

CA4 ON HBL A05
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1999

URBAN
MUNICIPAL

AGENDAS/MINUTES
PLANNING & DEVELOPMENT
COMMITTEE
JAN. 20, 1999 ...

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C 51P4
1999



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1999 January 20
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

JAN 19 1999

GOVERNMENT DOCUMENTS

for *S. Glover*
Tina Agnello, Secretary
Planning and Development Committee

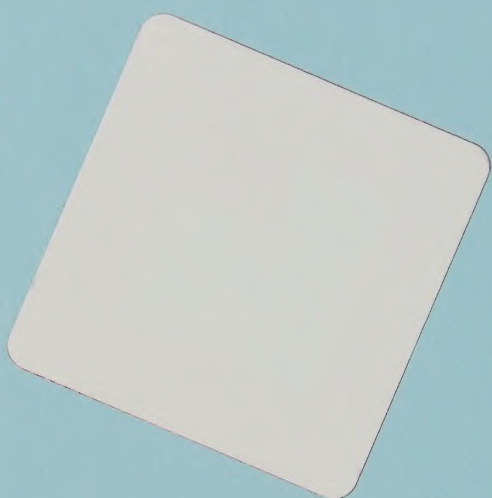
AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-40, by Pricewaterhouse Coopers Inc., owner, for a modification to the "JJ" District, for lands located at 2701 Barton Street East.
2. Zoning Application 98-41, by 1169990 Ontario Inc., (Robert McDowell) owner, for a further modification to the "HH" District for property located at 775-779 Upper Wentworth Street.
3. City Initiative 98-E, Review of Landscape Regulations and Design Standards for "commercial" uses.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 98-22 by Cantrico Investments Limited, owner, for a modification to the "H" District, for lands located at 1394 Upper Gage Avenue.



PLANNING AND DEVELOPMENT COMMITTEE

2.

Wednesday, 1999 January 20

5. Zoning Application 98-24 and Official Plan Amendment Application by Jomar Development Corporation, Owner, for property located at 723 Rymal Road West. (previously tabled)

Submissions:

- a) The Nicholsons, 93 Hawkswood Trail, Hamilton
- b) John and Shari Van Groningen, 19 Falconridge Drive, Hamilton
- c) Richard and Janet Meleskie, 64 Falconridge Drive, Hamilton
- d) Chris and Daniela Gollob, 34 Falconridge Drive, Hamilton
- e) Mr. & Mrs. A. Okimi, Kaleigh & Dustin, 15 Hawkswood Trail, Hamilton
- f) Tom Leyland, 74 Falconridge Drive, Hamilton
- g) Jerry Amantangelo, 39 Tommar Place, Hamilton

6. **REFERRAL FROM THE PARKS AND RECREATION COMMITTEE**

Beach Boulevard – Master Drainage Plan Study

7. **MAYOR MORROW & ALDERMAN CAPLAN**

Request for Exemption from Requirements for securities under Site Plan Control
Re: Staircase Theatre, 27 Dundurn Street (no copy)

8. **CONSENT AGENDA**

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
6.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
7.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
8.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
9.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
10.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
11.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
12.	Walkway Closure -Forestgate Drive	1998 November 4	Referred to Staff	Report Forthcoming
13.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
14.	ZA-98-22 and OPA , 723 Rymal Road West	1998 December 8	Proponents to meet with staff, residents and Ward Aldermen	Tabled to Jan. 20 , 1999
1999 January 11				

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 January 5
ZAR-98-40
Grayside Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: Request for a modification in zoning – 2701 Barton Street East

RECOMMENDATION:

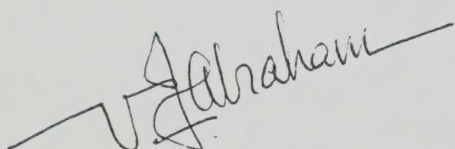
- (a) That approval be given to **Zoning Application ZAR-98-40, Pricewaterhouse Coopers Inc., owner**, for a modification to the "JJ" (Restricted Light Industrial) District regulations, to permit the existing uses (rental, sales, servicing and outside storage of construction and industrial equipment), on lands located at 2701 Barton Street East, as shown on the attached map marked as APPENDIX "A", subject to the following:
- (i) That the "JJ" (Restricted Light Industrial) District regulations, as contained in Section 16A of By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:
 - (a) That notwithstanding Section 16A.(1) of Zoning By-law No. 6593, the rental, sales, servicing and outdoor storage of construction and industrial equipment shall be permitted;
 - ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-123 be notated S- ;
 - iii) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123, for presentation to City Council; and,
 - iv) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending by-law not be forwarded to City Council for approval until the applicant has applied for and received approval of a Commercial Boulevard Parking Agreement with the City, or the applicant has removed the parking area

between the access driveways and landscaped the boulevard to the satisfaction of the Director of Public Works and Traffic.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the "JJ" (Restricted Light Industrial) District regulations, for lands located at 2701 Barton Street East as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the existing uses (rental, sales, servicing and outside storage of construction and industrial equipment).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Proposal

The applicant is proposing to legalize the existing uses on the subject lands (ie. rental, sales, servicing and outdoor storage of construction and industrial equipment). The lands have been used for this purpose since 1971.

APPLICANT:

Pricewaterhouse Coopers Inc., owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 45.72 m (150 feet) on Barton Street;
- A depth of 91.44 m (300 feet); and,
- A lot area of 4180.64 m² (1.03 acres).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Rental, sales, servicing and outside storage of construction and industrial equipment	"JJ" (Restricted Light Industrial) District

Surrounding Lands

To the north	Food processing plant (Maple Leaf Foods)	"JJ" (Restricted Light Industrial) District
To the east	Gas bar, car wash, variety store	"JJ" (Restricted Light Industrial) District, modified
To the south	Single family dwellings, row housing	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, modified and "DE" (Low Density Multiple Dwellings) District, modified
To the west	Industrial (Barton Alloy)	"JJ" (Restricted Light Industrial) District

OFFICIAL PLAN:

The subject lands are designated "Industrial" on Schedule 'A' – Land Use Concept of the Official Plan and located within Special Policy Area 11 for light industrial uses. The following policies, amongst others, apply:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule 'A'" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

A.2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule 'B' and 'B-3' as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11A, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category apply..."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Grayside Neighbourhood.

COMMENTS RECEIVED:

The Hamilton Region Conservation Authority have no comment or objection.

The Public Works and Traffic Department advise:

"We have no objection to a modification to the zoning to legalize the existing uses. However, a site inspection of the subject property indicates that the area of the road allowance between the access driveways is gravel surfaced and presently used for parking without the required Commercial Boulevard Parking Agreement. Therefore, we recommend that as a condition of approval the applicant remove the parking area between the access driveways and landscape the boulevard or the applicant enter into a Commercial Boulevard Parking Agreement to legalize the continued use of this area for parking."

The Regional Environment Department advise:

"...there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of this section of Barton Street is 36.58 m. In accordance with this designation the Region of Hamilton-Wentworth previously acquired the required road allowance widening on Barton Street shown as Parcel G on Registered Plan 1397. Therefore we do not anticipate any further road allowance widenings at this time.

Any works which may occur with the Barton Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law. As noted, the Traffic Division is recommending that the applicant/owner enter into a Commercial Boulevard Parking Agreement for the parking presently occurring within the Barton Street road allowance, as widened."

The Building Department advises:

- "1. The proposed use is not permitted and the outside storage of construction and industrial equipment is not permitted.
2. This building was built as a warehouse with an office having a total gross floor area of 789.65 m² (8,500 square feet).
3. The proposed use requires eleven (11) parking spaces and 1 – 9.0m x 3.7m x 4.3m loading spaces.
4. No site plan submitted, however, our records indicate that there were twelve (12) existing parking spaces and at least on (1) loading space. Therefore, provided that the spaces are still present, the parking and loading would conform. (Please see attached site plan from our files for the rear addition built in 1975, for your reference)."

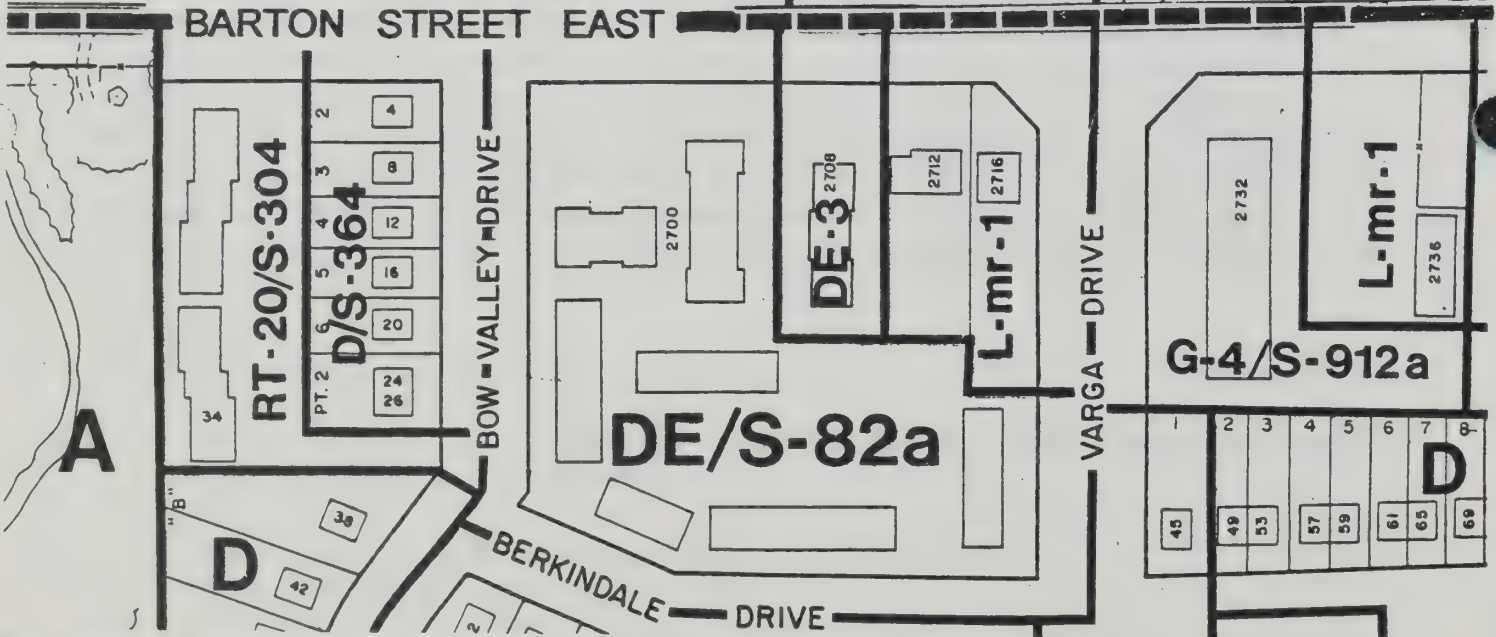
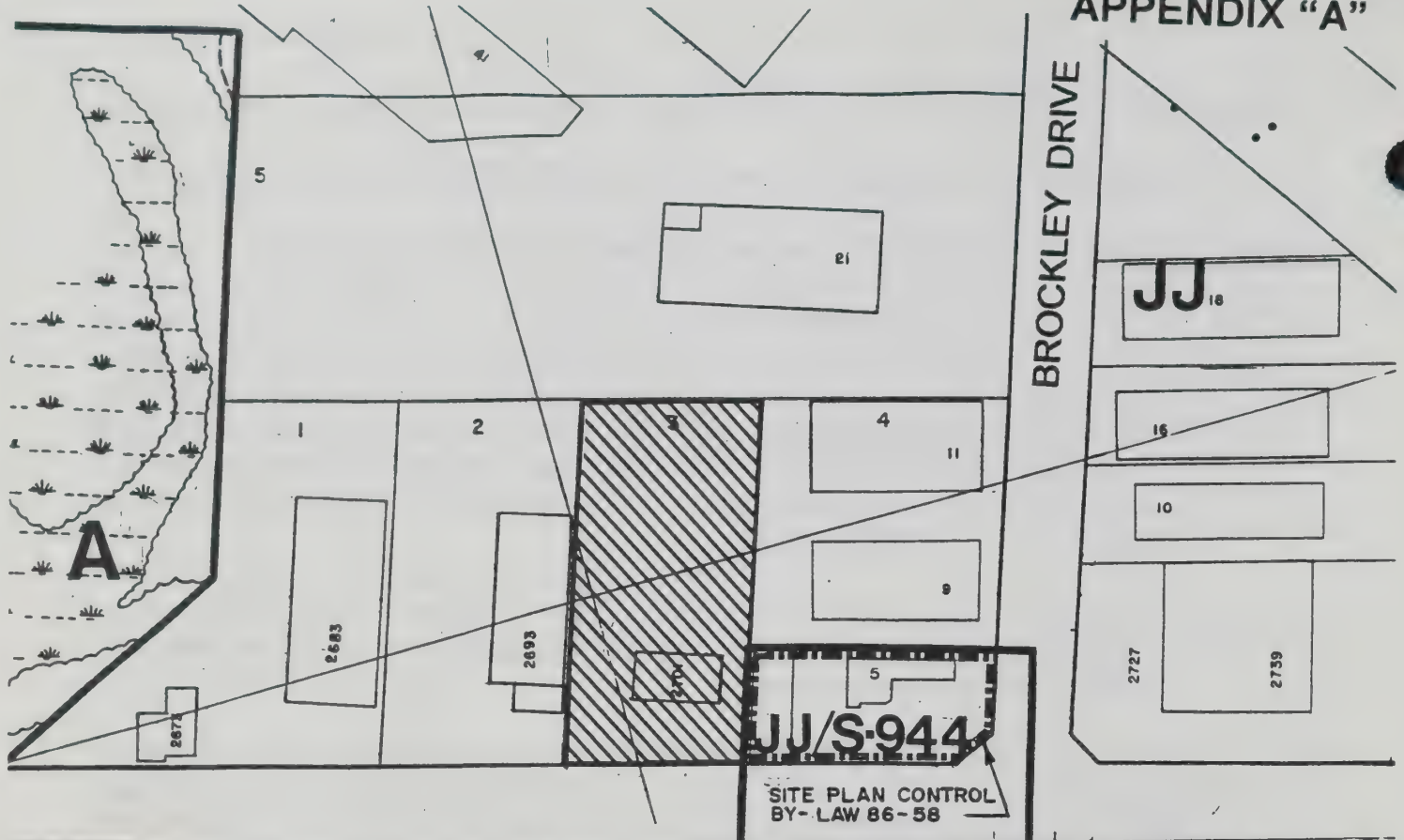
COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal has merit and can be supported on the following basis:
 - It complies with the intent of the Official Plan;
 - It is a use that is similar in nature to permitted industrial/ commercial uses in the "JJ" District (eg. Storage of second hand pipe, bricks, lumber, etc.; truck transport yard or terminal; building contractors yard; auto body fender and repair or other public garage; and, ancillary commercial uses incidental to the principal use or building); and,
 - This use has co-existed with adjacent uses in the area since 1971 with no known negative impacts. On this basis, the proposal appears compatible with existing development in the area.
3. The Public Works and Traffic Department has advised that the road allowance between the access driveways is gravel surfaced and presently used for parking without the required Commercial Boulevard Parking Agreement. On this basis, the applicant will either have to enter into the appropriate Agreement to legalize the continued use of this area for parking, or remove the parking area, and landscape the boulevard. The applicant has verbally indicated that the Agreement will be pursued. On this basis, it is appropriate not to forward the implementing zoning by-law until the applicant has either entered into the appropriate Commercial Boulevard Parking Agreement or removed the parking area and landscaped the boulevard.

CONCLUSION:

Based on the foregoing, the application can be supported.

APPENDIX "A"



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of Application

Reference file:

ZAR-98-40

Scale

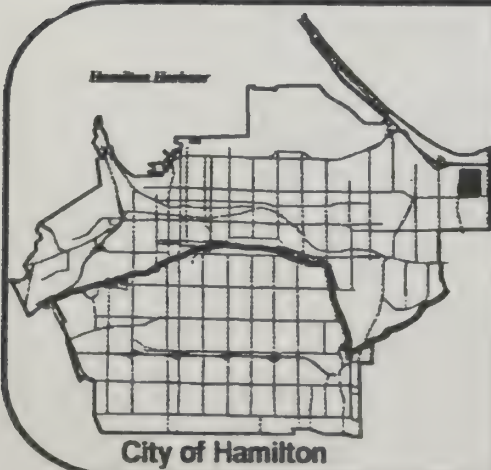
Not to Scale

Date

November, 1998

Technician:

FAB



City of Hamilton

CITY OF HAMILTON

- RECOMMENDATION -

2.

DATE: 1998 January 8
(ZAC-98-41)
Burkholme Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning – 775 – 779 Upper Wentworth Street

RECOMMENDATION:

- A. That approval be given to amended Zoning Application 98-41, 116990 Ontario Inc. (Rob McDowell), owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial etc.) District to allow a laser eye clinic on the property located at 775 – 779 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", subject to the following:
- i) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593 as amended by By-law 96-123, applicable to the subject lands be further modified to include the following variance as a special provision:
 - (a) That notwithstanding Section 14A. of Zoning By-law No. 6593 and Committee of Adjustment decision A:97-229, either a laser eye clinic or dental office having a maximum gross floor area of 340.5 m² (3,665 S.F.) shall be permitted only within the building existing on the day of passing of this by-law;
 - ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S -1348a, and that the subject lands on Zoning District Map E-27 be notated S -1348a;
 - iii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-27, for presentation to City Council;
 - iv) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

The purpose of the By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial etc.) District, for lands located at 775 – 779 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit either a laser eye clinic or dental office having a maximum gross floor area of 340.5 m² (3,665 S.F.) only within the building existing on the day of passing of this by-law.

Abraham

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

- Proposal

The applicant has proposed to add the use of a laser eye clinic to the list of permitted uses on lands located at 775 - 779 Upper Wentworth Street, as shown on Appendix "A".

- Zoning Application 95-18

The Planning and Development Committee and City Council approved Zoning Application ZAC-98-18, by Elite Realty Corporation, owner, on October 4, 1995 and October 10, 1995, respectively, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) district modified to permit limited commercial uses within the existing building (i.e. a bank, or financial institution, day nursery, photographer's or artist's studio, art gallery, business or professional person's office excluding medical and dental office,) for property located at 775 and 779 Upper Wentworth Street.

By-law 96-124 came into effect on October 24, 1996.

- Site Plan Control Application DA -95-33

The Planning and Development Committee on March 20, 1996 approved Site Plan Control Application DA-93-33 to develop a commercial facility on the vacant fire station property and within the existing building located at 775 and 779 Upper Wentworth Street.

- Committee of Adjustment A-97:53

At it's meeting of March 19, 1997, the Committee of Adjustment granted a variance so as to permit a proposed business identification ground sign to have a ground clearance of at least 1.219 m (4.0') instead of 3.0 m (9.84"). The decision of the Committee became final and binding on April 9, 1997.

- Committee of Adjustment A-97:229

At it's meeting of October 1, 1997, the Committee of Adjustment granted a variance so as to permit the use of a dental office [area 340.5 m² (3,665 f.t.²)] within the existing building notwithstanding the use is not permitted, while the remaining portion of the same building [563.0 m² (6,060 f.t.²)] will continue to be occupied as general office. The decision of the Committee became final and binding on October 22, 1997.

- Exemption Application E-97-34

On December 12, 1997, an exemption request was granted for a pylon sign, as approved by the Committee of Adjustment (A-97:53), at 775 -779 Upper Wentworth Street. The request indicated that the sign would be placed on the property 3.0 m minimum from the circular property line, as required.

APPLICANT:

1169990 Ontario Inc. (Rob McDowell), owner.

LOT SIZE AND AREA:

- 81.22 m (266.50 ft.) of lot frontage on Upper Wentworth;
- 54.91 m (165.00 ft.) of lot frontage on Mohawk Road East; and
- 4,038.0 m² (43,466.0 sq. ft.) of lot area

LAND USE AND ZONING:

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS:</u>	Commercial	"HH" (Restricted Community Shopping and Commercial) District -modified

SURROUNDING LAND:

to the north	Single Family Dwellings	"C" (Urban Protected Residential , etc.) District
to the west	Sackville Hill Memorial Park and Senior Citizen Centre	"C" (Urban Protected Residential, etc.) District
to the east	Seniors Apartment Complex	"DE-2" (Multiple Dwellings) District
to the south	Commercial and Single - Family Dwellings	"H" (Community and Commercial, etc.) District – modified and "C" (Urban Protected Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The lands are designated "COMMERCIAL" on Schedule "A" – Land Use Concept to the Official Plan. The following policies should be noted:

- "2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities..."
- "2.2.24 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominately residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area..."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" on the approved Burkholme Neighbourhood Plan. The proposal complies with the Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments:
 - Hamilton Region Conservation Authority; and,
 - Union Gas.
- The Treasury Department has advised that there are tax arrears. However, it should be noted that this is a commercial property and the 4th installment of Realty Tax has been put on hold.
- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The Region of Hamilton –Wentworth has previously acquired all the required road allowance widenings adjacent to the subject lands. Therefore, we do not anticipate any further road allowance widenings at this time.

The review of this development application should include the resolution of the previous items related to this property. According to our records the existing sign at the corner of Upper Wentworth Street and Mohawk Road was not installed in the approved location. We recommend that the applicant/owner review this matter and that the location and/or relocation of the sign be to the satisfaction of the Commissioner of Transportation for the Region of Hamilton-Wentworth.

Any other works which may occur within the adjacent road allowances must conform to the Region of Hamilton – Wentworth Roads Use By-law."

- The Regional Environment Department (Planning Section) advised that:

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Department of Public Works and Traffic has advised that:

"The existing development provides a total of 27 parking spaces which is in excess of the minimum requirements for the permitted uses. If the modification to permit medical offices is approved and the entire building was converted to medical offices, 48 parking spaces would be required, well in excess of what can be provided on site. The applicant should be advised that we would not support a variance to reduce the required parking. The 27 spaces provided could support medical offices with a maximum floor area of 513 sq. m. Therefore we recommend

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments:
 - Hamilton Region Conservation Authority; and,
 - Union Gas.
- The Treasury Department has advised that there are tax arrears. However, it should be noted that this is a commercial property and the 4th installment of Realty Tax has been put on hold.
- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The Region of Hamilton –Wentworth has previously acquired all the required road allowance widenings adjacent to the subject lands. Therefore, we do not anticipate any further road allowance widenings at this time.

The review of this development application should include the resolution of the previous items related to this property. According to our records the existing sign at the corner of Upper Wentworth Street and Mohawk Road was not installed in the approved location. We recommend that the applicant/owner review this matter and that the location and/or relocation of the sign be to the satisfaction of the Commissioner of Transportation for the Region of Hamilton-Wentworth.

Any other works which may occur within the adjacent road allowances must conform to the Region of Hamilton – Wentworth Roads Use By-law."

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REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

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"The existing development provides a total of 27 parking spaces which is in excess of the minimum requirements for the permitted uses. If the modification to permit medical offices is approved and the entire building was converted to medical offices, 48 parking spaces would be required, well in excess of what can be provided on site. The applicant should be advised that we would not support a variance to reduce the required parking. The 27 spaces provided could support medical offices with a maximum floor area of 513 sq. m. Therefore we recommend

that any approval of the modification to allow medical offices include a maximum limit of 500 sq. m. of floor area."

- The Building Department has advised :

"It has been confirmed by the Planning Department, that a Laser Eye Clinic is to replace, in both size and location, the dentist's office permitted by A-97:229, but it was only a dentist's office that the Committee of Adjustment approved. Otherwise, the property complies."

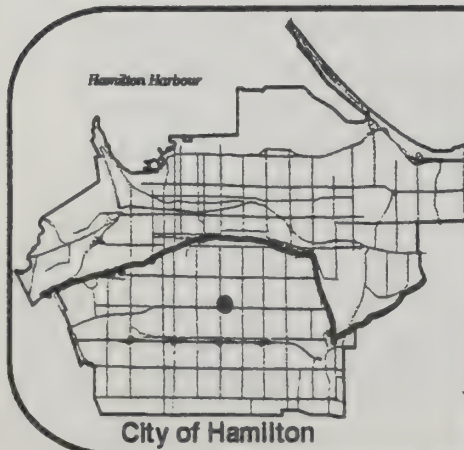
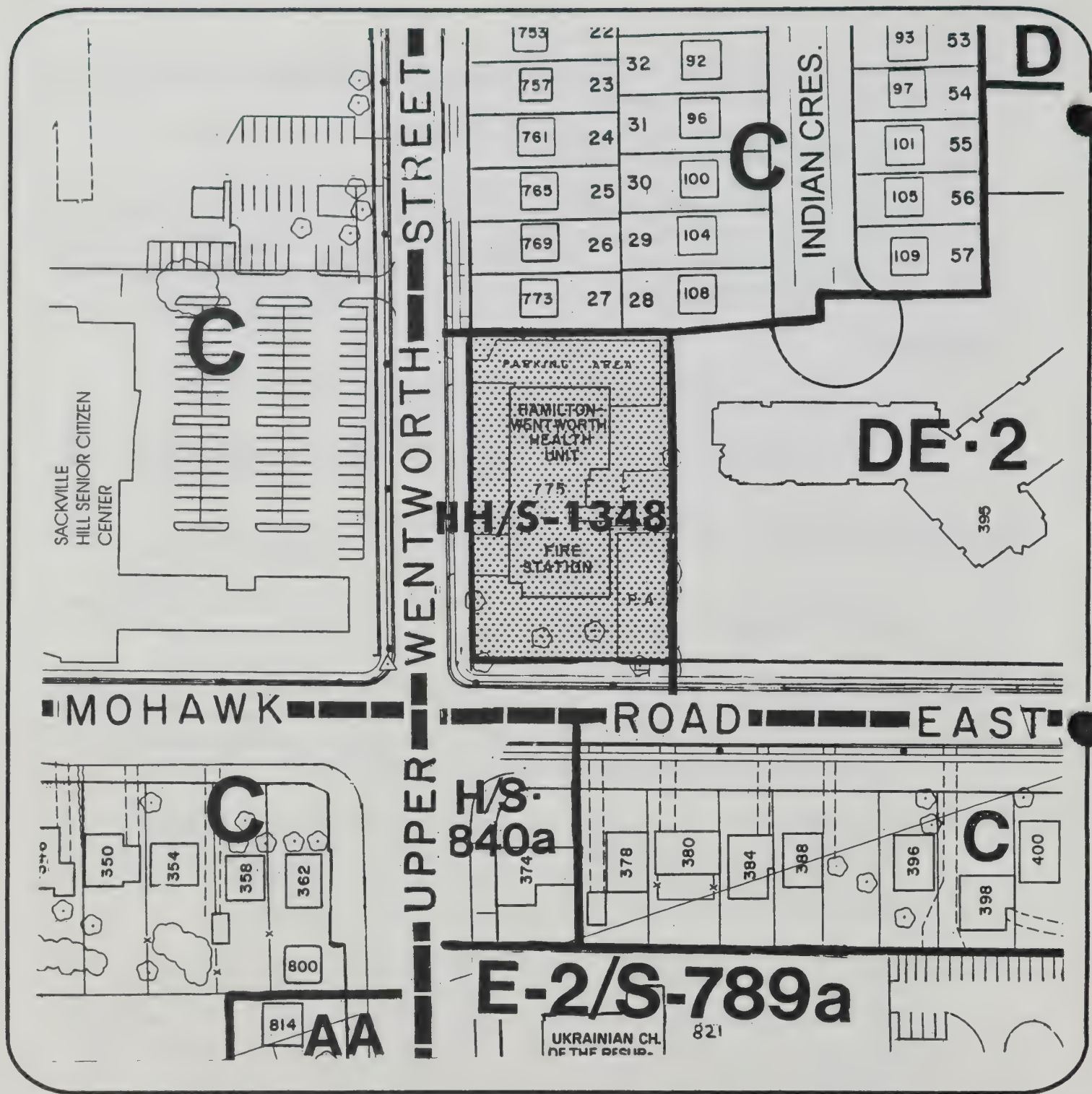
COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Burkholme Neighbourhood Plan designates the subject lands as "Commercial".
3. The proposal has merit and can be supported for the following reasons:
 - The proposed use (i.e. laser eye clinic) is consistent with the dental clinic use currently permitted on the subject lands;
 - The laser eye clinic will be restricted to a maximum gross floor area of 340.5 m² (3,665 S.F.) and only permitted within the existing building (as proposed by the applicant)) which is consistent with the area permitted for a dental office under Committee of Adjustment decision A:97-229; and,
 - The development is appropriately located at the intersection of two major arterial roads (i.e. Upper Wentworth and Mohawk Road) and is buffered from adjacent residential uses, as approved under Site Plan Control Application DA-95-33.
4. With respect to the comments received from the Department of Public Works and Traffic regarding the restriction on gross floor area to maximum of 500 m² for medial uses, it should be noted that the applicant has proposed a maximum gross floor area of 340.5 m² (3,665 S.F.) which is consistent with the area permitted for a dental office under Committee of Adjustment decision A:97-229.
5. With respect to the comment received from the Regional Environment Department regarding the pylon sign location, as approved under Site Plan Exemption E-97-34, it is the applicants responsibility to bring this matter into good standing to the satisfaction of the Commissioner of Transportation for the Region of Hamilton-Wentworth.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/jl



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Area of Application

Reference file:
ZAR-98-41

Scale
Not to Scale

Date
November, 1998

Technician:
F.N.



3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 4
(CI-98-E)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: Review of Landscape Regulations and Design Standards for
"commercial" uses.

RECOMMENDATION:

1. That approval be given to City Initiative CI-98-E, to provide for an amendment to Zoning By-law No. 6593, by introducing new regulations for landscape areas related to "Commercial" uses, on the following basis:
 - i) That the "G" (Neighbourhood Shopping Centre, Etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (9)
 - (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
 - (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
 - ii) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (9) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
 - (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- iii) That the "G-2" (Regional Shopping Centre) District regulations as contained in Section 13B of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (11) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
 - (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- iv) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (7) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (b) Where any parking space or manoeuvring space is

adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

- v) That the "H" (Community Shopping and Commercial, Etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (9) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

- vi) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (7) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

- vii) That the "I" (Central Business, Etc.) District regulations as contained in Section 15 of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (9) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
 - (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- viii) That the "H1" (Civic Centre Protected) District regulations as contained in Section 15A of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (5) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
 - (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- ix) That The "CR-1", "CR-2" and "CR-3" (Commercial – Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593 be amended by adding the following additional Landscape Requirements:
- (36) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
 - (37) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a

- ### EXPLANATORY NOTE

The effect of the amendment is to establish new landscape requirements in each of the Districts as follows:

- ✓ Sahani*

The Planning Act requires Council to hold at least one Public Meeting to consider a zoning By-Law amendment.

BACKGROUND:

At its meeting of June 24, 1998, the Planning and Development Committee directed staff to prepare a report addressing site plan requirements for landscaping and cosmetic enhancements to parking lots related to commercial uses. The Committee expressed concerns related to conversions and demolished sites, primarily in the "H" Districts, for redevelopment of commercial retail facilities, without regard to landscaping, buffering or site aesthetics.

PROBLEM:

Attached are photographs included in Appendix "A", and a site plan shown as Appendix "B", illustrating the typical appearance of a newly redeveloped site where previous service or gas station facilities have been demolished and an alternate use proposed in the form of convenience or retail stores, or small restaurants. The primary results of the new projects have been to provide a functional building and often pave the entire remainder of the site, including portions of the road allowance, up to the public sidewalk or curb. Previous driveway approaches used by the gas station site are usually retained with no changes or replacement of unnecessary ramps.

Any designated parking areas are usually lined in front of the building and accessible from the numerous approaches from the street. Manoeuvring and driveway areas are adjacent to the municipal sidewalks and often have no curb, wheel stop or separation features to provide pedestrian protection from vehicles backing up or manoeuvring from the parking spaces.

Any landscape treatment existing or provided in relation to these parking areas appears to be by accident, rather than by design. Usually, any established street trees are the only landscape feature which enhances the site.

In addition, it appears there is little regard for providing any buffer areas in the form of landscape plantings in side or rear yards adjacent to residential districts or uses. These areas are usually asphalt surfaced from building to lot line and become a storage area or garbage collection area. These activities or areas negatively impact the adjacent properties.

It is anticipated that more such sites will be redeveloped, altered, or their uses expanded to address the flexible market conditions. Typically, with little or no regard to buffering or aesthetics, parking areas will be visually obtrusive and create a negative impact on adjoining lands and the streetscapes.

On June 30, 1998, By-law No. 98-173 was passed by City Council, which placed various zoning districts, including "H" District under Site Plan Control. Although this requires redevelopment proposals to obtain City approval, there are no zoning regulations providing

either minimum landscape requirements or setback of parking spaces, manoeuvring areas and driveways from street lot lines for the commercial zoning districts. Similarly, "G", "G-1", "G-2", "G-4", "HH", "HI", "I", "CR-1", "CR-2" and "CR-3" Districts contain no provisions for landscaping. Accordingly, By-law regulations to require landscape areas and setbacks in these instances would be appropriate.

CITY OF HAMILTON POLICY AND REGULATIONS:

OFFICIAL PLAN:

The City of Hamilton Official Plan recognizes the importance of public and private parking facilities and states in Subsection B.3.3:

- "3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for Parking and Loading facilities.
- 3.3.6 Where necessary and feasible, off street parking, driveways, and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All parking areas will be suitably surfaced to resist degradation from the elements or use and where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

ZONING REGULATIONS:

Section 13C of the Zoning By-law related to Public Parking Lots provides the following requirements:

- "13C (4) (I) A landscape area having a minimum average width of 2.0 metres (6.56 feet) but not less than 1.0 metres (3.28 feet) in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways."

Section 18A of the Zoning By-law has regulations that require buffering to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas / lots when they abut a residential district. The regulation requires that where five (5) or more parking spaces are provided for residential, institutional, public or commercial uses on a lot adjoining a residential district, a minimum 1.5 metre landscape strip and a visual barrier 1.2 – 2.0 metres high, is to be provided and maintained between the boundary of the parking / loading area and the adjoining residential district.

Section 18A (36) of the Zoning By-law pertains to regulations related to restaurants in the "H" District and includes the following requirement:

- "18A(36) A landscape area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way."

INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:

Kitchener

General by-law provisions require that all parking areas and driveway aisles be located a minimum of 3.0m from any street lines. The parking areas and driveways located in side or rear yards adjacent to residential districts requires a visual barrier which can be composed of either fencing, landscape screening, berming or combination of these. Site specific considerations are reviewed through the processing of Site Plan Control applications.

Scarborough

A number of the commercial zones (MC, MDC, HC) have a by-law requirement that where lands are not covered by buildings, the lands shall be landscaped to a depth of not less than 6.0m from the abutting street lines.

Otherwise developments are reviewed through the Site Plan Control process and in accordance with Urban Design Guidelines dealing with specific needs.

Burlington

A requirement for landscaping regulates the location of the parking area of commercial developments adjacent to the street. A 3.0m wide landscape strip must be provided where the actual or deemed width of the street is less than 26.2m (86 ft.) or 9.0m where the street is 26.2m (86 ft.) or greater.

Where the boundary of the commercial zone adjoins a residential zone, a planting strip of 3.0m is required.

Milton

All parking areas require a minimum .9m distance to any street line.

Cambridge

Parking areas require a minimum distance of 3.0m from the street line.

St. Catharines

Generally, where parking areas abut a residential district, a 3.0m wide landscape area is required. The processing of developments through Site Plan Control provides site specific

needs in relation to buffering requirements.

Etobicoke

Through the Site Plan Control process, consideration is given to limiting the exposure of parking areas to the street in favour of placing the buildings in close proximity to the street line.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has in the comments attached as Appendix "D" indicated concern for the potential reduction of area for loading / manoeuvring for some developments, and the possible lack of completion of the areas between the project property lines and the municipal sidewalks.
- The Building Department and the Regional Environment Department have advised that they have no comment or objections to the proposed changes.
- The Regional Roads Department, in the comments attached as Appendix "E", has indicated support of the general intent of the proposal which will result in improved streetscape and will likely result in fewer illegal paving and parking encroachments into the adjacent road allowances.

COMMENTS:

As previously noted, the Zoning By-law requirements of Section 13 for Public Parking Lots, and Section 18A(36) related to restaurants in "H" Districts, provide certain regulations for landscape requirements for parking areas adjacent to municipal right-of-ways. With these exceptions, there are generally no setback or landscape requirements for parking areas related to commercial developments located adjacent to municipal street property lines. In addition there are no general landscape requirements or planting strip requirements in any side or rear yard areas adjacent to residential districts or uses. Although the problem of unattractive sites has been identified on some sites zoned "H" District, the same situation occurs in other commercial zones and other districts in which commercial uses are permitted.

From an urban design perspective and a safety viewpoint, the principle of requiring setbacks and landscape treatment as a buffer to parking areas adjacent to municipal streets and pedestrian movement and activities, and landscape requirements in side and rear yards adjacent to a residential use or district, has merit. Potentially, such requirements could provide significant aesthetic benefits with respect to neighbourhood improvements, streetscape enhancement, beautification, and to ensure pedestrian safety where parking areas are developed.

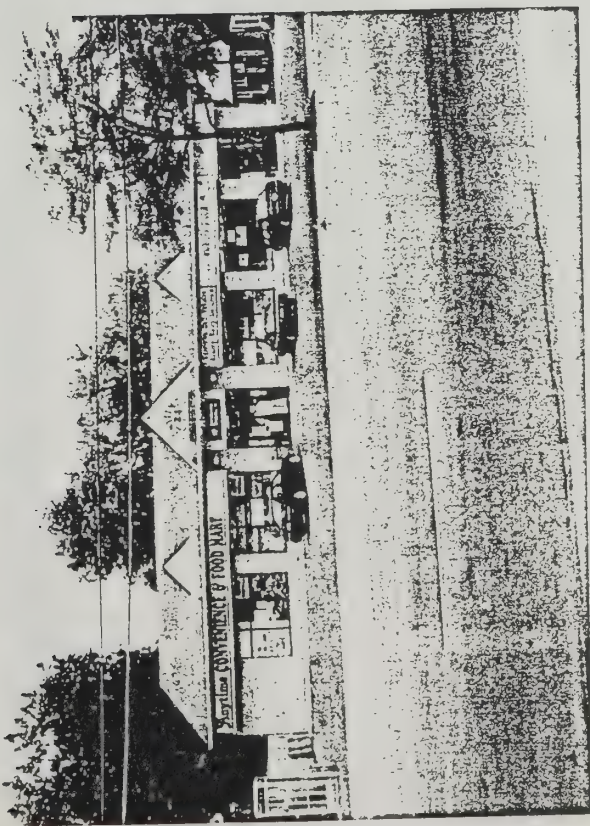
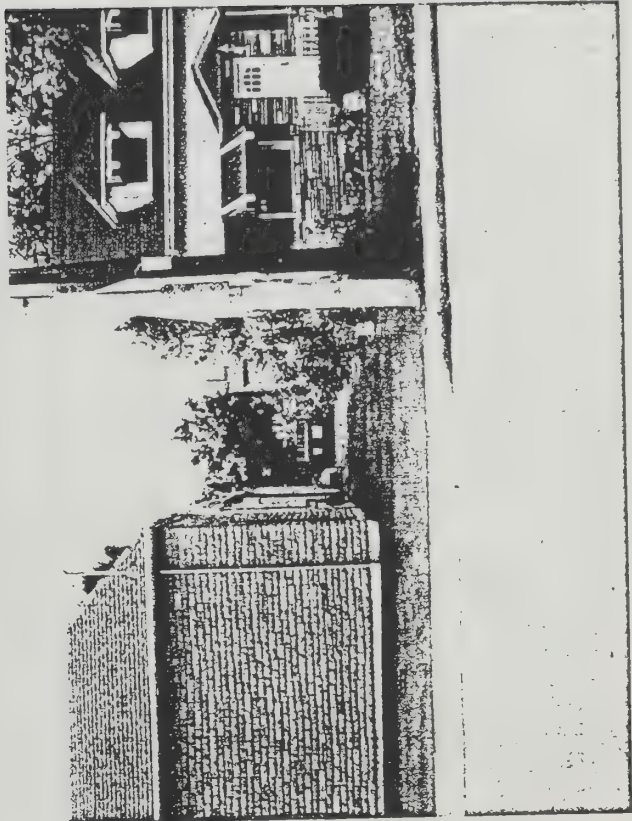
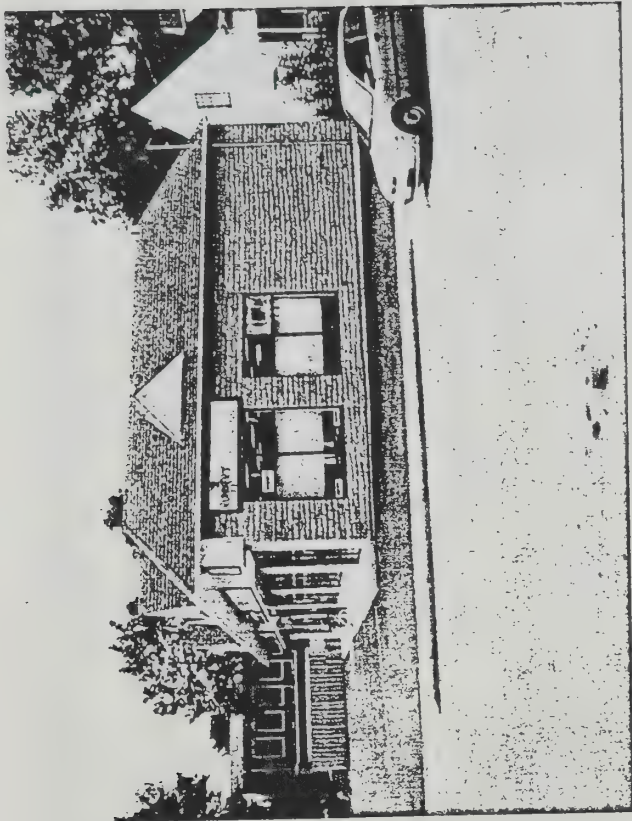
The attached plan marked as Appendix "B" provides a site plan of a typical development complying with existing regulations. Appendix "C" illustrates a conceptual design, which could incorporate landscape areas and setbacks from the street line and enhancement of the road allowance area, and planting strips in the side and rear yard areas. The proposed landscape requirement is the same regulation presently in effect for Public Parking areas (i.e. an average width of 2.0 metres (6.56 feet) but not less than 1.0 metre (3.28 feet) in width). For the commercial uses it is proposed that this requirement will occur only where parking is proposed adjacent to municipal road allowances or rights-of-way. In some instances, the building is located adjacent to the street or a wider sidewalk area is desirable. In these situations, the landscape or planting strip would not be required. In the side or rear yard areas, again where buildings, structures or accessory structures are located, a planting strip of a minimum 1.5 metres in width would establish a minimum landscape buffer treatment adjacent to residential uses or districts. This requirement is consistent with present regulations in situations where more than five (5) parking spaces are located adjacent to residential uses or districts.

Therefore, in order to implement community objectives such as the preservation / enhancement of streetscape and compatibility with surrounding land uses, it would be appropriate to provide these landscape regulations for commercial developments located adjacent to municipal road allowances / right-of-ways and adjacent to a residential use or district.

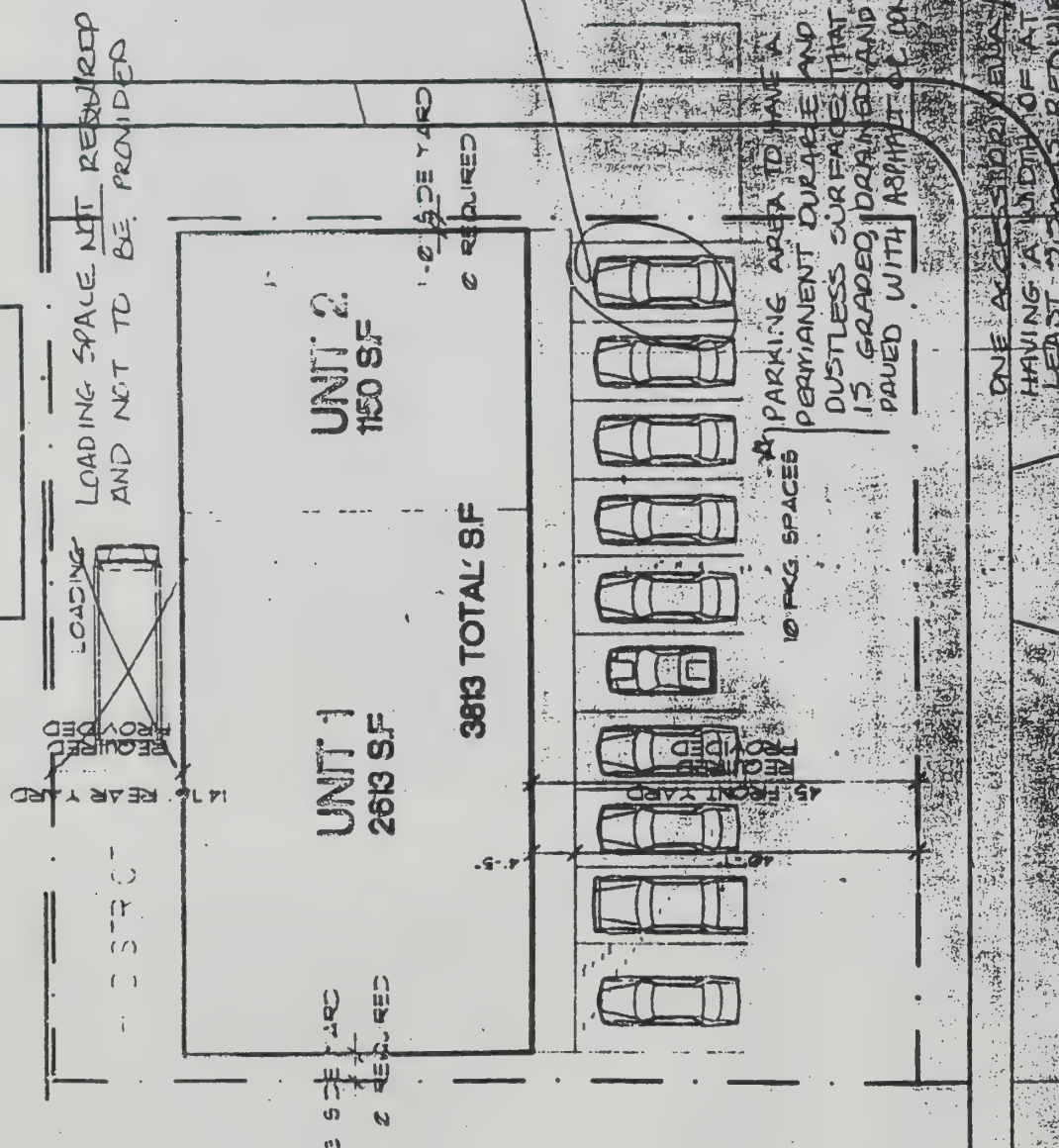
This report has been prepared in conjunction with the Building Department, Traffic Division of the Public Works and Traffic Department, and the Regional Environment Department. The various departments concur with the recommendations. The Traffic Division and the Regional Environment Department have verbally advised that they have initiated a review of the procedures in both Departments to respond to works within the road allowances adjacent to the landscape regulations proposed by this report, subject to approval of the requirements.

CONCLUSION:

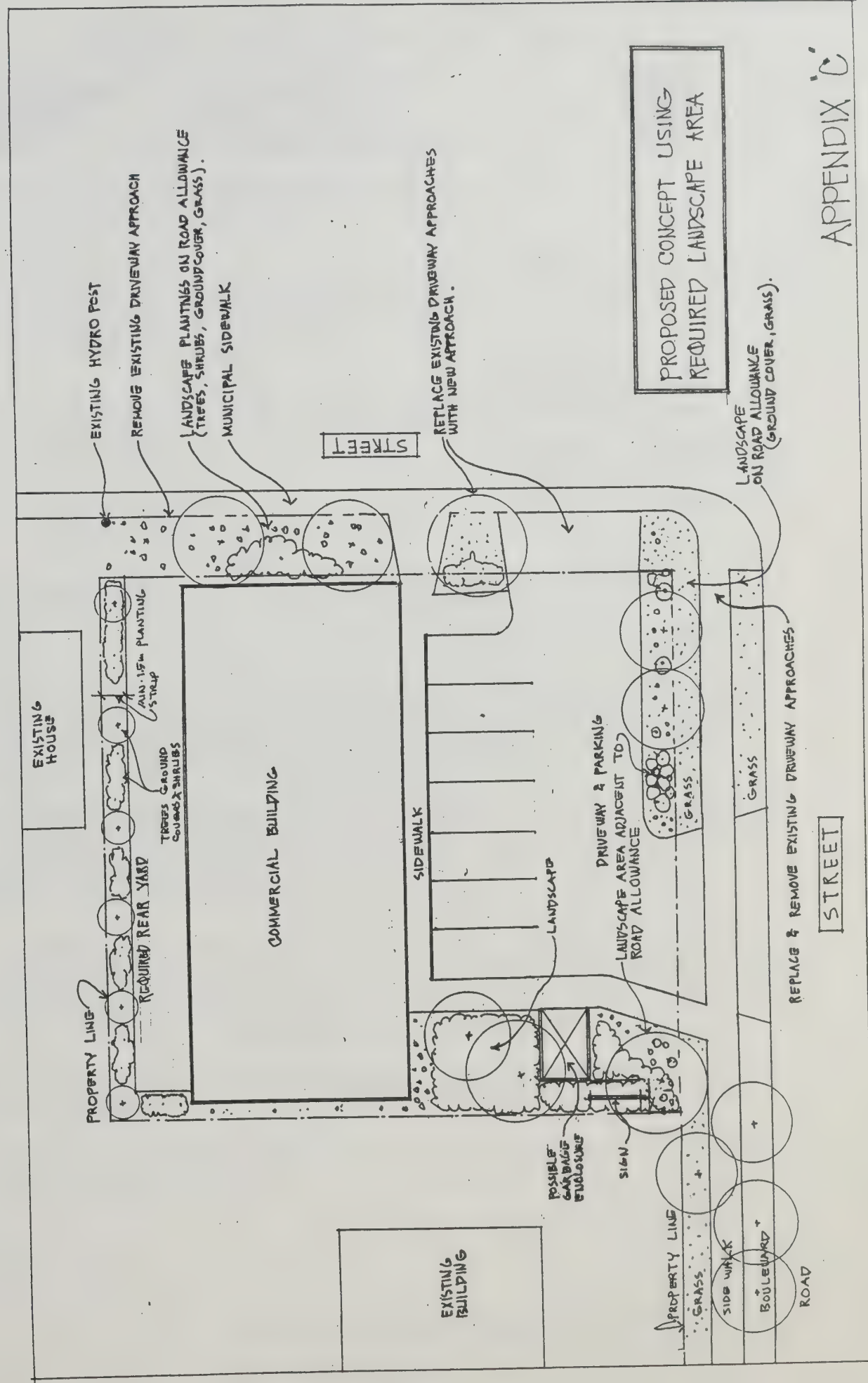
Zoning By-law 6593 should be modified to provide new regulations respecting landscape requirements for commercial uses adjacent to residential uses and adjacent to municipal road allowances.



EXISTING DEVELOPMENT AT NORTH- WEST CORNER OF KING ST. WEST AND
LONGWOOD ROAD NORTH



SITE PLAN OF EXISTING DEVELOPMENT
(BUILDING PERMIT PLAN)



DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

CITY OF
HAMILTON

TRAFFIC DIVISION

1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5

Tel. (905) 546-4510 / Fax (905) 546-2419

1998 November 23

NOV 23 1998

Mr. V. J. Abraham, M.C.I. P.
Director of Local Planning
Planning and Development Department

Attention: John Sakala

Dear Sir:

Re: CI- 98-E

Landscape Requirements and Design Standards for Commercial Developments

In response to your letter of 1998 November 4, please be advised that we have reviewed this draft report and provide the following comments:

The draft reports deal basically with commercial sites in "H" districts. Most of these sites were previously service stations with the entire site asphalted right to the municipal sidewalk. The proposed draft report recommends that as a condition of development application a minimum average width of 2.0 m but not less than 1.0 m be provided and maintained along the entire street lot line. This may leave a paved area between the landscaping and the municipal sidewalk. In larger developments this area is generally landscaped by the developer to enhance the landscapes of the site. Many of redevelopments in the "H" district are done inexpensively. I'm concerned the developers may not want to extend the landscape from the property line to the municipal sidewalk. This could leave a strip of unlandscaped lands between the property line and the municipal sidewalk. It would be beneficial if a procedure was in place to require the applicant to extend the landscaping into this area.

The Zoning By-Law does not require a loading space for a commercial use under 450 square metres. However, most of the commercial uses generate loading activities. The inclusion of landscaping will reduce the area available for loading/maneuvering. Variances may be required to reduce the landscape areas on some developments to facilitate loading activities.

Should you require further information, please contact me at 546-2066.

Yours truly

Ed Switenky, CET
Supervisor of Traffic Studies/Traffic Technologist

ES/kg

c.c. H. Groen, Development Co-ordinator, Roads Division

APPENDIX E
REGIONAL TRANSPORTATION DEPARTMENT
ROADS DIVISION
MEMORANDUM

Comments discussed
with G Asdon -
put in O drive on
98-11-27 and E-mail
sent to Charlie Unelli
NY 98-11-27

TO: Charlie Unelli
Development Co-Ordinator (Environmental)
Regional Environment Department
Development Division

FROM: H. N. Groen, C.E.T.
Development Coordinator (Transportation)
Roads Department

SUBJECT: City Initiative CI-98-E
Landscape Requirements in Commercial
Areas - City of Hamilton

YOUR FILE: CI-98-E

OUR FILE :

PHONE: (905) 546-4278
FAX: (905) 546-4515
DATE: 1998 November 27/27

We have reviewed the above report and submit the following comments:

1. We agree with the concept of providing certain definition between the limits of private property and the limits of the road allowance. The introduction of landscaping on private property will help to define the driveway and access, parking and maneuvering areas and prevent the encroachment of vehicles into the adjacent road allowance and municipal sidewalk areas.
2. The introduction of landscaping on private property will also provide improved motorists sight lines entering the roadway especially in areas where there is a combined walk and curb and where the roadway has been widened to four or five lanes in existing 20m road allowances.
3. The planting of street trees within the road allowances requires the approval of the Forestry Section of the City of Hamilton Department of Public Works and Traffic and must consider existing and proposed Utility locations. Any street trees should be of the high canopy type to ensure adequate motorist visibility.
4. Our standard visibility triangles between commercial accesses and the street lines and at intersections will be applied as each development is submitted for review.
5. Through the development review process we will try to ensure the continuation of the landscaping/sod to the back of the municipal walk. A review

Continued...

-Page 2-
November 27, 1998

City Initiative CI-98-E
Landscaping Requirements in Commercial Areas
City of Hamilton

Continued...

procedure should be introduced whereby paving and boulevard parking agreements within the road allowances are refused where the requirements of the Zoning By-law on adjacent private property requires a landscape area.

In summary, we support the general intent of this City Initiative and it is our opinion that the approval of this amendment to the By-law will result in an improved streetscape and will likely result in fewer illegal paving and parking encroachments into the adjacent road allowances whether they be advertent or inadvertent.

Any questions – just call.

HNG

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CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: 1999 January 5
ZAC-98-22
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: Request for a further modification in zoning – 1394 Upper Gage Avenue

RECOMMENDATION:

That approval be given to Zoning Application ZAC-98-22, Cantrico Investments Inc., owner, for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations to permit the temporary use of the lands for a third party/billboard sign for a period of 3 years, under Section 39 of the Planning Act, for property located at 1394 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law Nos. 81-190, 81-244 and 82-19, be further modified in accordance with Section 39 of the Planning Act, to the extent only of the special requirements that:
 - (a) A third party/billboard sign shall be permitted for a period not exceeding three years from the day of the passing of the by-law;
 - (b) Notwithstanding Section 18.(15)(2)(d) of Zoning By-law No. 6593, the third party/billboard sign permitted in (a) above, shall be a minimum of 7.0 m from the westerly lot line;
- (ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-751c, and that the subject lands on zoning District Map E-38C be notated S-751c;
- (iii) That the City/Regional Solicitor be directed to prepare a by-law to amend Zoning By-law 6593 and Zoning District Map E-38C for presentation to City Council;
- (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

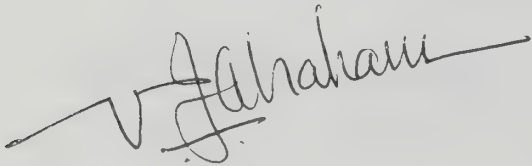
EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification in zoning for the land located at 1394 Upper Gage Avenue.

The effect of the by-law is to permit the temporary use of the subject land for a third party/billboard sign for a period not to exceed three years.

In addition, the by-law provides for the following variance as a special requirement:

- Permits a third party/billboard sign to be a minimum of 7.0 m from a residential district (ie. The westerly lot line), whereas 30.0 m is required.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a zoning by-law amendment.

BACKGROUND:Proposal

The applicant is proposing to erect a third party/billboard sign with two faces 7.0 m from the westerly lot line on the subject lands, on a temporary basis for a period not exceeding three years (see APPENDICES "B" and "C" attached).

By-law Nos. 81-190, 81-244 and 82-19

By-law No. 81-190, as amended by By-law Nos. 81-244 and 82-19, rezoned the subject lands from "L-mr1" (Planned Development – Multiple Residential) District and "L-c" (Planned Development – Commercial) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit only a variety store and gas bar.

By-law No. 96-092

On May 14, 1996, City Council passed Zoning By-law No. 96-092, which establishes new regulations for third party/billboard signs. The By-law was appealed to the Ontario Municipal Board, however the Board ordered minor amendments to By-law 96-092. All third party/billboard signs are now subject to the following special requirements, as amended:

- Third party/billboard signs are only permitted in: "G-1", "G-2", "H", "HH", "J", "JJ", "K", and "KK" Districts;
- Third party/billboard signs are only permitted as ground or wall signs;

- A maximum of one sign with two faces are permitted per property;
- A minimum radial separation distance of 100 m between each third party/billboard sign;
- A third party/billboard sign shall be a minimum of 30 m from a residential district;
- A third party/billboard sign shall have a maximum height of 10 m and a maximum sign area of 25 m² per face; and,
- Illuminated third party/billboard signs shall have a steady light source and shall be suitably shielded to contain illumination.

The purpose of the by-law is to reduce clutter and over-concentration of billboard signs and to mitigate the impacts (eg. Visual intrusion) on nearby residential uses.

APPLICANT:

Cantrico Investments Limited

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 38.1 m on Stone Church Road East;
- A frontage of 55.8 m on Upper Gage Avenue; and,
- A lot area of approximately 2125 m².

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Variety store	"H" (Community shopping and Commercial, etc.) District, modified
<u>Surrounding Lands</u>		
To the north	Service station, car wash, Drive-thru restaurant	"HH" (Restricted Community Shopping and Commercial, etc.) District modified
To the east	Service station	"H" (Community Shopping and Commercial, etc.) District, modified

To the south	Single family dwelling	"L-mr-1" (Planned Development – Multiple Residential) District, modified
To the west	Vacant	"L-mr-1" (Planned Development – Multiple Residential) District, modified

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule 'A' – Land Use Concept of the Official Plan. The following policy applies, amongst others:

"D.3.8 In accordance with the Planning Act, Temporary Use By-laws may be used to permit the use of lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said By-law. The provisions regarding timing and extensions to such By-laws will apply."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Eleanor Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

The Hamilton Region Conservation Authority, and the Department of Public Works and Traffic have no comment or objection.

The Regional Environment Department advise:

"...there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Stone Church Road is 30.38m and the designated road allowance width of Upper Gage Avenue is 35.58m. In accordance with these designations, the Region of Hamilton-Wentworth previously acquired the required road allowance widenings by Instrument Nos. 143979 C.D. and 115608 C.D. and shown as Parts C and D on Reference Plan 62R4473 respectively. Therefore we do not anticipate any further road allowance widenings at this time.

Any other works which may occur within the adjacent road allowances, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

The Building Department advises:

- "1. A third party billboard ground sign is not permitted under present Site Specific By-law 81-190.
2. The Site Specific By-law 81-190 only permits a combined gas bar and retail variety store and accessory uses thereto.
3. Presently the site is only used for a retail variety store.
4. The maximum height of the sign is 10.0m."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Eleanor Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis:
 - The proposal complies with Section 39 of the Planning Act;
 - The proposal complies with the intent of the Official Plan which permits the temporary use of vacant land;
 - By-law No. 96-092 as amended by an OMB Order, permits third party/billboard signs in the "H" District subject to specific performance criteria. By-law Nos. 81-190, 81-244 and 82-19 however, permit only a variety store and gas bar on the subject lands, and therefore does not permit a third party/billboard sign; and,
 - The adjacent lands to the west and south are designated Medium and Low Density Apartments and zoned "L-mr-1" (Planned Development – Multiple Residential) District and are vacant. Approval of the application on a temporary basis for not more than three years, would not prejudice the future development of these lands for multiple residential development in accordance with the approved Neighbourhood Plan.
3. The proposed third party/billboard sign is located 7 m from lands zoned "L-mr-1" (Planned Development – Multiple Residential) District. By-law No. 96-092 as amended, permits third party/billboard signs no closer than 30 m to a residential district. The proposal meets the intent of By-law 96-092 except for the minimum setback requirement from a residential district. A variance to reduce the minimum 30 m setback from a residential district can be supported on the basis that the adjacent "L-mr1" District lands are vacant and the closest existing residential uses are approximately 53 m to the west at Epic Place.

CONCLUSION:

Based on the foregoing, the application can be supported.

CFL\ZAC-98-22

APPENDIX "A"



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of application

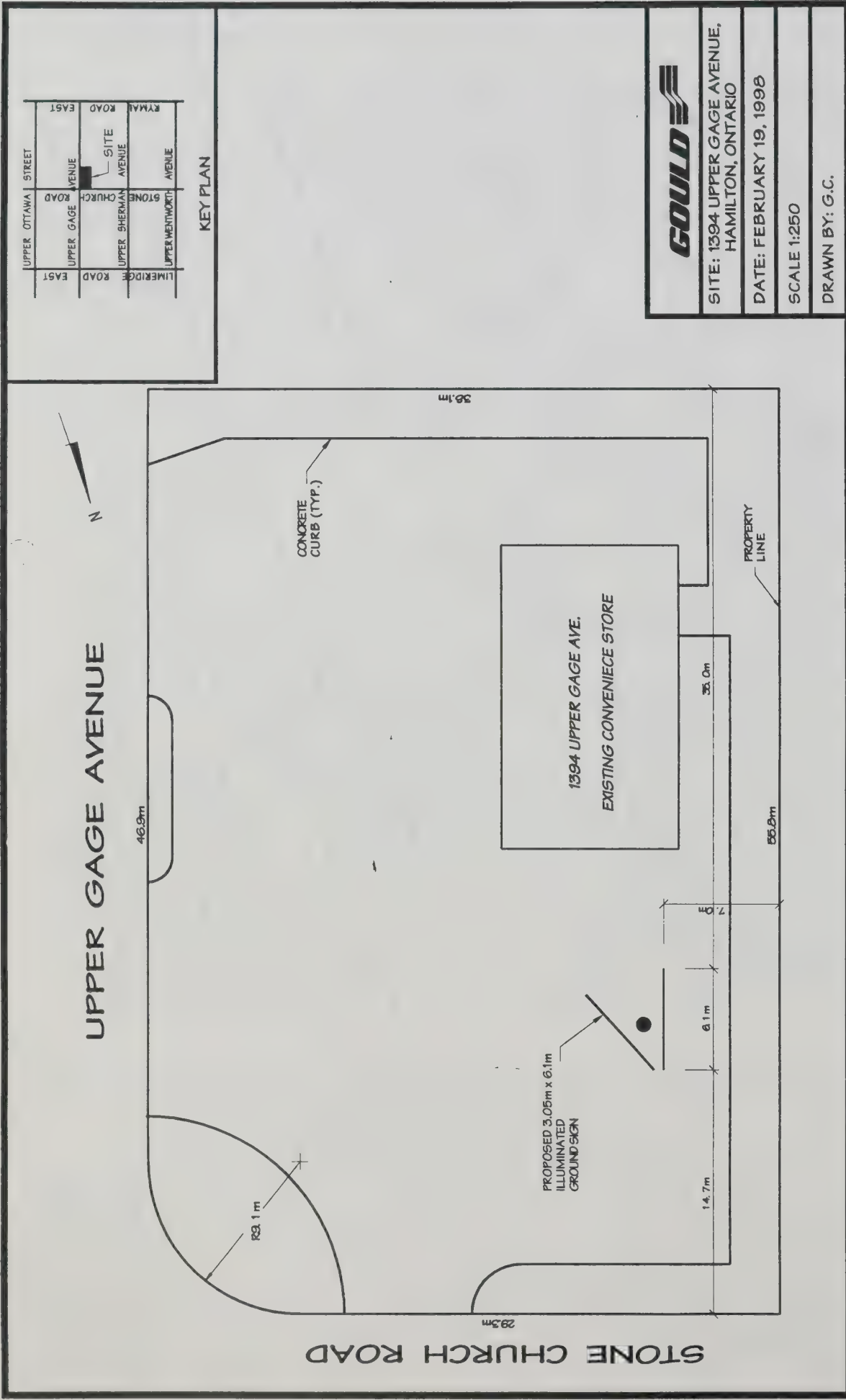
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ZAC-98:22

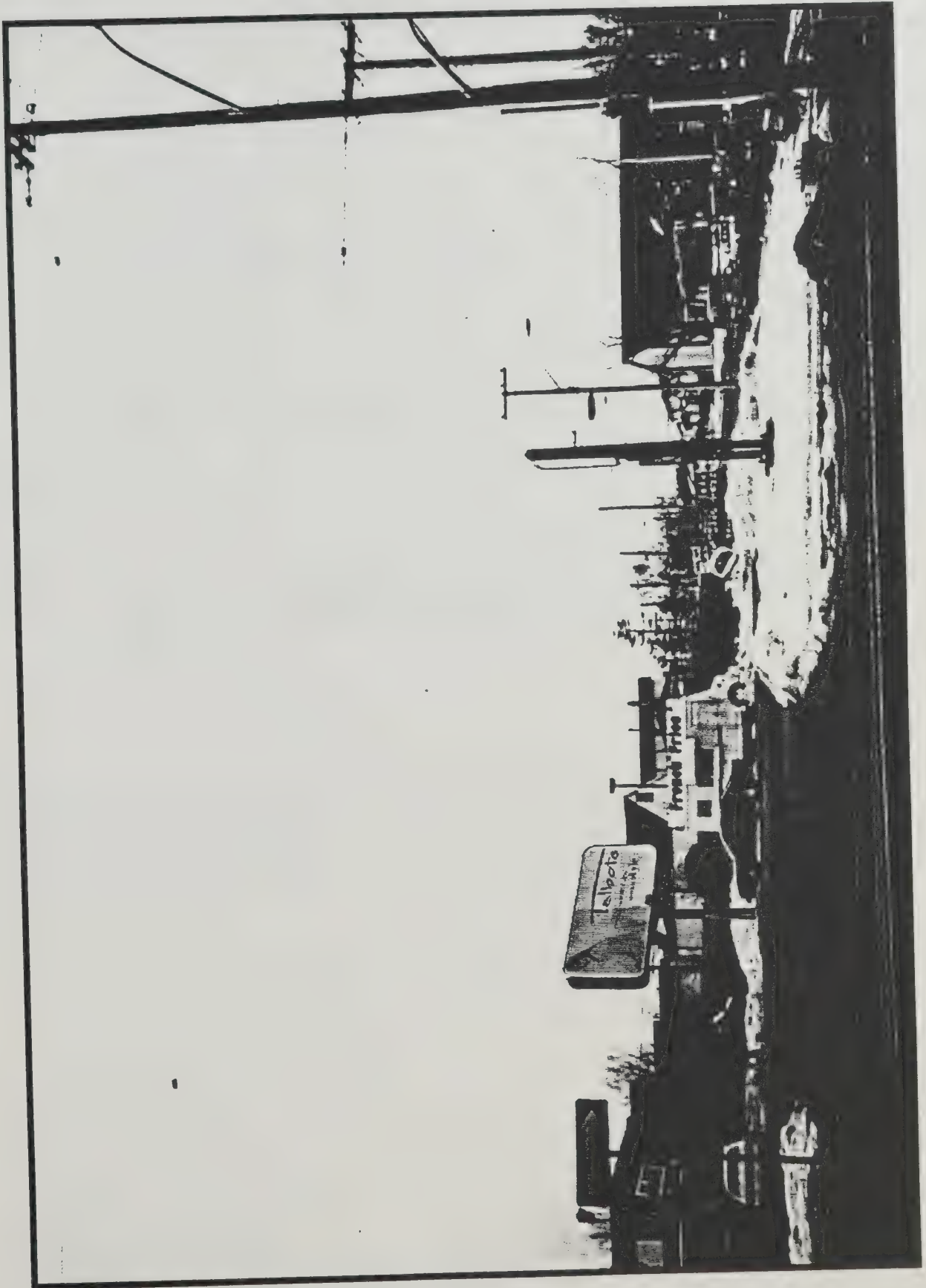
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December. 98

Technician:
F.N.

APPENDIX
A





Office of the Municipal Clerk
Memorandum

5.

REVISED

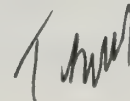
TO: Victor Abraham
Director of Planning and Development

FROM: Tina Agnello
Secretary
Planning and Development Committee

DATE: 1999 January 11

SUBJECT: Request for an Official Plan Amendment and for Changes in Zoning
for Lands Located at 723 Rymal Road West
ZAC-98-24

The Planning and Development Committee, at its meeting of 1998 December 8, moved to table the above-noted recommendation in order to allow staff, residents, Ward Aldermen and the applicants to reach an agreement regarding the Falconridge Extension and that it be brought back to the Committee at its meeting scheduled to be held January 20, 1999.



TA/jt

cc: Alderman F. D'Amico
Alderman D. O'Sullivan

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 January 8
ZAC-98-24
Carpenter Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Request for an Official Plan Amendment and for changes in zoning for lands located at 723 Rymal Road West

SECOND REPORT:

RECOMMENDATION:

- (a) That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a "Community and Residential Care Access Centre", containing residential care and short-term residential care facilities for the accommodation of a maximum of 25 and 26 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a 2 storey building and to permit the conversion of the existing dwelling into a restaurant, within the "Residential" designation, on lands known municipally as 723 Rymal Road West, shown as Blocks "1" and "2" on the attached map marked as Appendix "A", and that the City/Regional Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application ZAC-98-24, 723 Rymal Road West (Jomar Development Corporation), owner, for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District, modified, to permit a "Community and Residential Care Access Centre" containing residential care and short-term residential care facilities for the accommodation of a maximum of 25 and 26 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a 2 storey building and to permit the conversion of the existing dwelling into a restaurant, for lands located south of Rymal Road West, east of the City of Hamilton-Township of Glanbrook municipal boundary, known municipally as 723 Rymal Road West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "DE-3" – 'H' (Multiple Dwellings - Holding) District;
- (ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc) District to "DE-3" – 'H' (Multiple Dwellings - Holding) District;
- (iii) That the 'H' symbol applicable to the land referred to in section (b)(i) and (b)(ii) shall be removed conditional upon:
 - a) The owner preparing and submitting a storm water management study to the satisfaction of the applicable Conservation Authorities and the Manager, Development Engineering Section, Regional Environment Department;
 - b) Servicing is available to the subject lands to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - c) The applicant entering into all required agreements for the provision of services, with the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

The 'H' symbol shall be removed by amendment to this by-law and the development of the subject lands may proceed in accordance with the "DE-3" (Multiple Dwellings) District provisions, subject to the special provisions of Section (b)(iv);

- (iv) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
 - (i) a "Community and Residential Care Access Centre"; and,
 - (ii) a restaurant provided that:
 - a) it is located within the existing dwelling at the time of passage of the by-law;
 - b) the external appearance and character of the dwelling shall be preserved and maintained;
 - c) a drive-thru or take-out shall not be permitted; and,
 - d) it is accessory to a "Community and Residential Care Access Centre".

- b) For the purpose of this by-law, a "Community and Residential Care Access Centre" shall mean a building in which short-term residential care and residential care facilities are provided in conjunction with medical offices and related services, subject to the following provisions:
 - (i) a Short-Term Care Facility for the accommodation of a maximum of 26 residents of at least 65 years of age located within the first and second storeys;
 - (ii) a Residential Care Facility for the accommodation of a maximum of 25 residents of at least 65 years of age located within the second storey;
 - (iii) an accessory dining room in the second storey which shall only be used in conjunction with the Residential Care and Short-Term Care Facilities; and,
 - (iv) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, shall be located within the first storey, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore, provided that all such uses except for a drugstore shall have access only from the interior of the building.
- c) That notwithstanding Section 10C.(2) of Zoning By-law No. 6593, no building shall exceed two storeys in height;
- d) That notwithstanding Section 10C.(3) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre", the following yards shall be provided and maintained:
 - (i) a minimum front yard depth of 4.7 m;
 - (ii) a minimum side yard depth of 3.8 m; and,
 - (iii) a minimum rear yard depth of 11.1 m.
- e) That notwithstanding Section 10C.(5) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre" a maximum gross floor area of 4,690 m² shall be permitted, the residential portion shall have a minimum floor area of 2,715 m² and the commercial portion shall have a maximum floor area of 1,975 m², including hallways and common amenity areas;
- f) For the "Community and Residential Care Access Centre", an

unlighted ground sign having an area of not more than 4.2 square metres and located not less than 2.0 m from any lot line shall be permitted;

- g) For the restaurant, an unlighted ground sign having an area of not more than 1.2 square metres and located adjacent to the existing building shall be permitted;
 - h) That Section 4.(3) of Zoning By-law No. 6593, shall not apply to the subject lands;
 - i) That notwithstanding Section 2.(2)A.(xiiaa) of Zoning By-law No. 6593, a Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" comprised of residential and commercial uses;
 - j) That notwithstanding Section 2.(2)A.(xiiaaa), a Short-Term Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" jointly comprised of residential and commercial uses;
 - k) That Section 10C.(7) of Zoning By-law No. 6593 shall not apply to the subject lands.
- (v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S - , and that the subject lands on Zoning District map W-37E be notated as S - ;
 - (vi) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37E for presentation to City Council;
 - (vii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. by the Region of Hamilton-Wentworth, and,
 - (viii) That upon finalization of the Zoning By-law, the subject lands be redesignated from "Single and Double" Residential to "Commercial and Residential" and the north-south cul-de-sac be removed on the approved Carpenter Neighbourhood Plan.

EXPLANATORY NOTE:

An Official Plan Amendment is required to establish a Special Policy Area to permit a "Community and Residential Care Access Centre", including limited commercial uses, for lands located at 723 Rymal Road West, within the "Residential" designation.

The purpose of the proposed by-law is to provide for changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "DE-3" – 'H' (Multiple Dwellings - Holding) District, modified, for lands located south of Rymal Road West, east of the City of Hamilton-Township of Glanbrook municipal boundary, known municipally as 723 Rymal Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for a "Community and Residential Care Access Centre" and to permit the conversion of the existing dwelling into a restaurant.

In addition, the By-law provides for the following special variances:

- Permits a restaurant within the existing dwelling, but specifically excludes a drive-thru and take-out, and requires that the external appearance and character of the dwelling be maintained;
- Restricts the height of the "Community and Residential Care Access Centre" to 2 storeys in height whereas the provisions of the Zoning By-law permit a maximum height of 3 storeys;
- Permits a minimum front yard of 4.7 m whereas the provisions of the Zoning By-law require a minimum front yard setback of 12.0 m;
- Permits a minimum westerly side yard of 3.8 m whereas the provisions of the Zoning By-law require a minimum side yard of 6.74 m;
- Permits a minimum rear yard of 11.1 m whereas the provisions of the Zoning By-law require a minimum rear yard of 11.46 m;
- Permits a maximum gross floor area of 4,690 m², of which the residential portion shall have a minimum floor area of 2,710 m² and the commercial portion shall have a maximum floor area of 1,975 m² (including hallways and common amenity areas) whereas the provisions of the Zoning By-law utilizes a floor area ratio factor of 0.9 (6,293 m²);
- Permits business identification signage for the "Community and Residential Care Access Centre" subject to the sign being an unlighted ground sign with a maximum area of 4.2 square metres and requires that the sign be setback a minimum of 2.0 m from any lot line. For the restaurant, an unlighted ground sign with a maximum size of 1.2 square metres and located adjacent to the existing building will be permitted;
- For the purposes of the by-law, a "Community and Residential Care Access Centre" is defined as being a building containing both residential and commercial uses, subject to the following restrictions:

- (i) the commercial uses will be restricted to offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, provided that the commercial uses are located on the first storey, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore. In addition, except for a drugstore, access to the commercial uses will only be available from the interior of the building;
- (ii) the Short-Term Residential Care component will be restricted in size to a maximum capacity of 26 residents who are at least 65 years of age. The Residential Care Facility will be restricted to a maximum size of 25 residents who are at least 65 years of age; and,
- (iii) a dining room, used in conjunction with the short-term residential care and residential care facilities shall be permitted on the second storey.

In addition, the By-law also establishes the holding provisions of Section 36(1) of the Planning Act on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed "DE-3" District, modified, zoning. The holding provisions will prohibit development of the subject lands until the following conditions are fulfilled:

- a) The owner preparing and submitting a storm water management study to the satisfaction of the applicable Conservation Authorities and the Manager, Development Engineering Section, Regional Environment Department;
- b) Servicing is available to the subject lands to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
- c) The applicant entering into all required agreements for the provision of services, with the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least 1 public meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

BACKGROUND:

Planning and Development Committee Meeting, December 8, 1998

A public meeting of the Planning and Development Committee was held on Dec. 8,

1998, to consider the proposed Official Plan Amendment and changes in zoning. Due to neighbourhood concerns regarding traffic and the ultimate development of the "institutional" lands to the south of the subject lands, the matter was tabled. Staff were requested to explore alternative road access options for both the subject lands and the "institutional" lands and to report back to the Planning and Development Committee.

Notice of the second meeting of the Planning and Development Committee was published in the Hamilton Spectator on December 31, 1998.

Original Proposal

The application, as originally submitted, was for changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc) (Block "2") to "DE-3" (Multiple Dwellings) District and from "AA" (Agricultural) District (Block "3") and "C" (Urban Protected Residential, etc) District (Block "4") to "RT-20" (Townhouse – Maisonette) District (Block "2"), to permit a 2 storey building to be used as a "Community and Residential Care Access Centre" and to permit the conversion of the existing dwelling into a restaurant (Blocks "1" and "2"). In addition, the applicant had proposed to develop 24 condominium townhouse units (Blocks "3" and "4") on lands located at the City of Hamilton-Township of Glanbrook municipal boundary and located at the westerly limits of Falconridge Drive, known municipally as 723 Rymal Road West.

Due to concerns relating to the elimination of the neighbourhood street (the extension of Falconridge Drive), the application as originally submitted was considered by staff to be premature until such time as the overall neighbourhood planning land use designations, traffic issues, etc. had been adequately addressed.

Amended Proposal

The applicant has amended their application to delete the proposed townhouse units at this time, pending disposition of the use of the adjoining lands to the south. As such, the amended application is for changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc) (Block "2") to "DE-3" (Multiple Dwellings) District, to permit a 2 storey building to be used as a "Community and Residential Care Access Centre" and to permit the conversion of the existing dwelling into a restaurant (Blocks "1" and "2").

Based on the amended plans submitted by the applicant (see APPENDIX "B"), the applicant is proposing the following:

- The proposed "Community and Residential Care Access Centre" is to be a 2 storey building. There will be medical and associated offices on the first storey in addition to Short-Term Care Facilities for 8 persons. There will be Short-Term Care Facilities for 18 persons and Residential Care Facilities for 25 persons in addition to

common dining facilities and a nurse's station on the second storey;

- There will be 91 parking spaces and 1 loading space provided for the proposed "Community and Residential Care Access Centre";
- The existing dwelling is to be converted into a "tea room";
- The existing trees located along the easterly limits of the property are to be retained; and,
- Access to and from the proposed "Community and Residential Care Access Centre" will be from Rymal Road West.

APPLICANT:

723 Rymal Inc. (Jomar Development Corporation).

LOT SIZE AND AREA:

The subject lands to be rezoned for the "Community and Residential Care Access Centre" and restaurant are rectangular in shape and have:

- 136 m of frontage along Rymal Road West;
- a lot depth of 65 m; and
- a total lot area of 6,992.4 m²

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Single Detached Dwelling and a Barn	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Land Use</u>		
to the north	Vacant (planned single detached dwellings)	"AA" (Agricultural) District
to the south	Vacant (designated as an Institutional Site)	"AA" (Agricultural) District
to the west	Vacant (Ontario Hydro corridor and TransCanada Pipelines corridor)	N/A (located in the Township of Glanbrook and the Town of Ancaster)

to the east

Single Detached
Dwellings

"C" (Urban Protected
Residential, etc.) District
and "AA" (Agricultural)
District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposal is for a mixed use building consisting of medical offices and related uses and short-term care and residential care facilities. The proposed "Community and Residential Care Access Centre" is primarily commercial in nature with residential ancillary to the commercial use. Accordingly, an amendment to the Official Plan is required to establish a Special Policy Area to permit a "Community and Residential Care Access Centre", and a restaurant within the existing building, for lands located at 723 Rymal Road West, within the "Residential" Designation.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Carpenter Neighbourhood Plan. If approved, a redesignation from "Single and Double" residential to "Commercial and Residential" is required. In addition, changes to the proposed road pattern are required to delete the north-south cul-de-sac from the future extension of Falconridge Drive.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"The approved Carpenter Neighbourhood Plan connects Falconridge Drive to Glancaster Road. This extension of Falconridge Drive services the "Civic and Institutional" lands to the south and provides an additional access to the neighbourhood. The proposed application is recommending that this roadway section not be constructed and the lands be rezoned "RT-20" (Townhouse-Maisonette) District to permit 24 bungalow townhouse units. All traffic generated by lands designated "Civic and Institution" would then be forced through the internal residential streets in the Carpenter Neighbourhood. We have had discussions with the prospective purchasers of the "Civic and Institutional" lands about a potential roadway or driveway access to Glancaster Road. However, these options are premature. In conclusion, we consider the elimination of Falconridge Drive to Glancaster Road to be premature until such time of access to the "Civic and Institutional" lands to the south is resolved. Accordingly, we request that the rezoning of the lands for townhouses be held in abeyance until the access for the "Civic and Institutional" lands to the south is resolved.

The applicant has submitted a preliminary site plan for the "Community Care Access Centre". Access to this site would be from Rymal Road. A Traffic Impact Study prepared by Delcan Corporation dated 1998 November 17, indicates that this access will operate at an acceptable level of service and there is sufficient stopping sight distance for this easterly access. Departure turning sight distance from this access is deficient. This means approaching motorists on Rymal Road may be required to slow down on occasions as vehicles turn left in front of them and attain operating speed.

The applicant should be advised that the loading area for the site does not have sufficient on-site manoeuvring. The parking layout will have to be changed to facilitate this movement and also to eliminate "dead-end" corridors. The access width to Rymal must be increased to a minimum of 7.5 metres. There must also be a minimum throat of 6.0 metres on this access."

- The Building Department provided the following comments:

"DE-3" District

1. The total lot area indicated does not include the portion of Block 68 of Registered Plan 62M-747.
2. Block 68 of Registered Plan 62M-747 is presently located in a "C" District and the remaining lands are located in an "AA" District.
3. Proposed uses of medical offices and other commercial uses are not permitted in the proposed "DE-3" District.
4. The use of a Residential Care Facility and a Short Term Care Facility, as defined, are required to be in fully detached buildings and the maximum number of residents accommodated in each is six (6).
5. The minimum required yards are as follows:

FRONT	-	12.00m
SIDES	-	6.74m
REAR	-	11.46m

The side and rear yard setbacks have not been indicated to determine compliance and the front yard does not conform.

6. No building shall be erected and used for residential purposes on the same land as an existing principle building.

7. The existing building proposed to be used as a "tea room" is considered a restaurant and is not permitted.
 8. The gross floor area of both the proposed building and existing building has not been provided. The total lot area is required to determine the maximum gross floor area to be allowed at a gross floor ratio of .9.
 9. The required landscaped area required is at least one quarter of the area of the lot.
 10. The parking required for the residential care facility and short term care facility is a minimum of seventeen (17) parking spaces.
 11. To determine the minimum required parking and loading for the commercial uses, the total floor area contained within the perimeter of the buildings of each floor level is required.
 12. No part of the parking area shall be located in the required front yard.
 13. Every parking space and loading space must be accessible at all times. It appears that the loading space obstructs the accessibility to the parking south of the loading."
- The Hamilton Region Conservation Authority have advised of the following:

"Authority staff have reviewed the application ZAC-98-24 and note that we have no regulations or other interests affecting the subject property.

Approximately half of the subject property is located within the jurisdiction of the Niagara Peninsula Conservation Authority and in this regard we recommend that the N.P.C.A. be contacted regarding this proposal."
 - The Niagara Peninsula Conservation Authority verbally advised that they have no objection to the proposal but will provide additional comments at the site plan stage/subdivision stage for the proposed residential development.
 - The Regional Environment Department have advised that:

"There are public watermains on both Rymal Road West and Falconridge Drive which are available to service the subject lands.

With respect to sewer servicing, the development is split between two watersheds. The north half of the site (medical care facility) is intended to drain to Tiffany Creek and the south half (bungalow townhouse units) to Twenty Mile Creek.

There are no storm or sanitary sewers on Rymal Road West. In order to drain the sanitary sewage to the north, as a condition of development approval, the owner will be required to enter into a Service Agreement with the Region to construct the Regional sewers on Rymal Road West at their expense. Since stormwater from the north half of the site (medical care facility) is intended to drain to the Tiffany Creek watershed, as a condition of development approval, the owner will be required to submit a stormwater management report to the Regional Environment Department to show how stormwater quantity and quality issues will be dealt with.

The storm and sanitary sewage from the south half of the site (bungalow townhouse units) is intended to drain to the existing sewers on Falconridge Drive. Therefore, as a condition of development approval, the owner will be required to enter into a Modified Subdivision Agreement with the City of Hamilton and a Service Agreement with the Region in order to construct the required Falconridge Drive cul-de-sac bulb and Regional services within the cul-de-sac.

The Regional Transportation Department, Roads Division have the following comments:

1. The designated road allowance width of Rymal Road is 36.0m. In accordance with this designation the Region/City of Hamilton previously acquired the required road allowance widening on Rymal Road, shown as Part 2 on Reference Plan 62R-2838, by Instrument No. 10296 C.D. Therefore we do not anticipate any further road allowance widenings on Rymal Road at this time.
2. The proposed development concept submitted by the applicant precludes the construction of the neighbourhood street to Glancaster Road as shown on the approved Carpenter Neighbourhood Plan. Should this development be approved as submitted, all traffic associated with the lands designated for "Institutional Uses" will be required to access to internal local streets to Rymal Road and Upper Paradise Road. Although there have been discussions between the prospective purchasers of the "institutional lands", there has been no indication whether these lands will require the street connection to Glancaster Road or whether separate permanent access for the "institutional use lands" will be obtained through Land Division Consent and consent of the adjacent Municipalities from the "Institutional Lands" to Glancaster Road.

Another option which could be considered is the redesignation of the "Institutional lands" to "single family use" and removing the requirement of any public street or private road access to Glancaster Road.

In conclusion, we consider the development of the residential lands and the elimination of the neighbourhood street from the applicants plan to be premature until such time as the overall neighbourhood Planning Land Use designations, traffic issues, etc. have been addressed. Accordingly we recommend that the consideration of the DE-3 zoning be held in abeyance until such time as the neighbourhood planning and traffic issues are resolved.

Should the application to develop the residential lands be approved as shown, the worst case scenario could result in all traffic from the "Institutional Designated Lands" and this residential development using the local internal neighbourhood streets to gain access to Rymal Road from Upper Paradise Road.

Once these land use and traffic issues have been resolved, the extent of the internal street construction can be determined and also whether these lands must develop through either a Modified Subdivision Agreement/Service Agreement or a full Plan of Subdivision. All costs associated with this internal street construction are subject to the normal developers financial responsibilities in the subdivision agreement.

3. From a Regional Road perspective and considering the current vertical and horizontal alignment on Rymal Road in relation to the access to the "community and residential care facility", we suggest that access to the Townhouse Block be from the internal street only. The increase in residential units having access from the internal street over what is currently approved in the Carpenter Neighbourhood Plan is minimal and having this access on the internal streets would minimize the potential turning and vehicle acceleration and merge conflicts on Rymal Road.
4. We have reviewed the available motorist sight lines on Rymal Road for motorists entering Rymal Road at the proposed easterly access and note that the sight lines, using the criteria of 1.05m drivers eye to 1.30m (assumed top of vehicle), are above the minimum stopping sight distances but do not meet any of the other motorist left turning and acceleration sight distances required for entering a Regional Arterial roadway.

In order to compensate for this sight line deficiency and to provide a left turn storage lane for westbound traffic on Rymal Road, we recommend that pavement tapers, a left turn lane/acceleration lane, etc. be constructed on Rymal Road from east of the east access on Rymal Road westerly to the full left turn cross section on Rymal Road at Glancaster Road. As a condition of development/site plan approval for this development we will require that the developer/owner enter into an Access Agreement with the Region of Hamilton-Wentworth for all these

roadway improvements. These roadway improvements must be advertised as required by the Municipal Act and the Road Alteration By-law must be approved by Regional Council. All costs for these roadway improvements will be the sole responsibility of the developer/owner.

We have contacted the applicants traffic engineering consultant to resolve our other design concerns in the traffic report submitted with the application."

- The Town of Ancaster has advised of the following:

"On September 10, 1998, I attended a meeting that was co-ordinated by Nick Catalano. Guy Paparella, Morgan Pirie and the proponent were also in attendance. During the course of the meeting, additional revisions were discussed, including the possible relocation of the Glancaster Road entrance/exit to Rymal Road. Such a revision is preferred by Ancaster staff and we would be pleased to comment on a revised proposal that incorporates this modification."

The Town of Ancaster further advised of the following:

"The Town of Ancaster Engineering Department will require to review and comment on the following:

- Stormwater Management Report – in particular the impacts downstream.
- Traffic impact study – as it relates to Highway #53 (Garner Road) and the temporary road.
- Highway #53 (Garner Road) with Glancaster Road intersection and to determine if the sight lines are adequate.

The above concerns can be addressed during the site plan review."

- The Township of Glanbrook has advised of the following:

"The revised conceptual site plan attached to this revised zoning application proposes that a private road be established to access the subject lands from Glancaster Road. This proposed private road would extend through a part of the Township of Glanbrook and the Town of Ancaster, and through lands owned by the Township of Glanbrook and Town of Ancaster within an unopened road allowance, and lands owned by Ontario Hydro.

As a result of the many legal issues and complications, as well as possible additional planning approval applications in both Glanbrook and Ancaster (i.e. Official Plan Amendments and/or Rezoning Applications), the appropriateness of this proposed private road to Glancaster Road is questionable. Further, there may be a simpler and more appropriate alternative access, which would be directly to

Rymal Road adjacent to the west boundary of the subject lands. The above-noted matters, including the alternative access to Rymal Road at the west end, has been discussed with the applicant."

- The Ministry of Health, Long-Term Care Division have advised of the following:

"Please be advised that the Ministry of Health has not approved any funding for any aspect of the services associated with the proposed development as suggested by Jomar Development Inc."

COMMENTS:

1. The proposed "Community and Residential Care Access Centre" use does not conform to the Official Plan. The proposed facility is neither a commercial use nor is it an institutional use, but rather is a new model for the delivery of health care. As such, an Official Plan Amendment is required to establish a Special Policy Area to permit the proposed development.

The existing single family dwelling on the subject lands is an important historical structure. The dwelling was constructed in 1853-54 and was originally owned by the Gage family. The Local Architectural Conservation Advisory Committee has indicated that the dwelling is worthy for designation under the Ontario Heritage Act. As such, the applicant is proposing to retain this building for re-use as a "tea room" which is considered to be a restaurant. A restaurant is not a permitted use within the "Residential" designation in the Official Plan. Therefore, a provision within the proposed Special Policy Area is required to permit the adaptive reuse of the existing heritage dwelling for use as a small scale restaurant.

2. The approved Carpenter Neighbourhood Plan designates the subject lands as "Single and Double" Residential (see APPENDIX "C"). If approved, the following neighbourhood plan amendments are required:
 - redesignate Blocks "1" and "2" from "Single and Double" Residential to "Commercial and Residential"; and
 - delete the north-south cul-de-sac from the approved road pattern for the Carpenter Neighbourhood.
3. The application, as submitted, is for a 2-storey building for medical and residential care (Blocks "1" and "2") and for 24 condominium townhouse units (Block "3" and "4"). The application as originally submitted would have necessitated the termination of Falconridge Drive.

The elimination of the neighbourhood street, as originally proposed by the applicant, is considered to be premature until such time as the overall neighbourhood Planning Land Use designations, traffic issues, etc. have been

addressed. Neighbourhood traffic would be required to use Upper Paradise Road to access Rymal Road West. As such, all of the traffic associated with the lands designated for "Institutional Uses" would be directed to the local streets (ie Hawkswood Trail and Falconridge Drive) to access Rymal Road via Upper Paradise Road.

It is noted that the Traffic Division and the Regional Environment Department have advised that the proposed townhouse units are considered to be premature until the neighbourhood planning and traffic issues have been resolved. Accordingly, the applicant has requested that the Zoning Application be amended to delete the proposed "RT-20" District zoning pending disposition of the adjoining lands and the neighbourhood planning and traffic issues have been resolved.

4. At the request of the Traffic Division and Roads Division, the applicant submitted a Traffic Impact Study (TIS) prepared by Delcan Corporation dated November 17, 1998. The TIS indicated that the proposed access for the "Community and Residential Care Access Centre" will operate at an acceptable level of service and there is sufficient stopping sight distance for this easterly access. Departure turning sight distance from this proposed access on Rymal Road West are deficient.

The Regional Transportation Department, Roads Division has advised that the sight lines, using the criteria of 1.05m drivers eye to 1.30m (assumed top of vehicle), are above the minimum stopping sight distances, but do not meet any of the other motorist left turning and acceleration sight distances required for entering a Regional Arterial roadway. This means approaching motorists on Rymal Road may be required to slow down on occasions as vehicles turn left in front of them and attain operating speed. To compensate for this sight line deficiency and to provide a left turn storage lane for westbound traffic on Rymal Road, the Regional Transportation Department will be requiring that pavement tapers, a left turn lane/acceleration lane, etc. be constructed on Rymal Road from east of the east access on Rymal Road westerly to the full left turn cross section on Rymal Road at Glanaster Road.

It is noted that as a condition of development/site plan approval for the proposed development, the applicant will be required to enter into an Access Agreement with the Region of Hamilton-Wentworth for the required roadway improvements. These roadway improvements must be advertised as required by the Municipal Act and the Road Alteration By-law must be approved by Regional Council. All costs for these roadway improvements will be the sole responsibility of the developer/owner. The applicants traffic engineering consultant has been advised of these design concerns.

5. The Regional Environment Department have advised that there are servicing

constraints affecting the subject lands, and the applicant will be required to submit servicing studies and enter into the applicable agreements with the City and the Region. The servicing issues are as follows:

Sanitary Sewers - Blocks "1" and "2"

The sanitary sewers for the proposed "Community and Residential Care Access Centre" drain to the north. As such, sewers will have to be extended from the intersection of Upper Paradise Road and Rymal Road West to service the subject lands. The owner will be responsible for the costs associated with the extension of the sewers. As such, the owner will be required to enter into a Service Agreement with the Region to construct the Regional sewers on Rymal Road West.

Storm Sewers - Blocks "1" and "2"

Stormwater from the north half of the site (medical care facility) is intended to drain to the Tiffany Creek watershed. As such, the Regional Environment Department has advised that the owner will be required to submit a stormwater management report to the satisfaction of the Regional Environment Department demonstrating how stormwater quantity and quality issues will be dealt with.

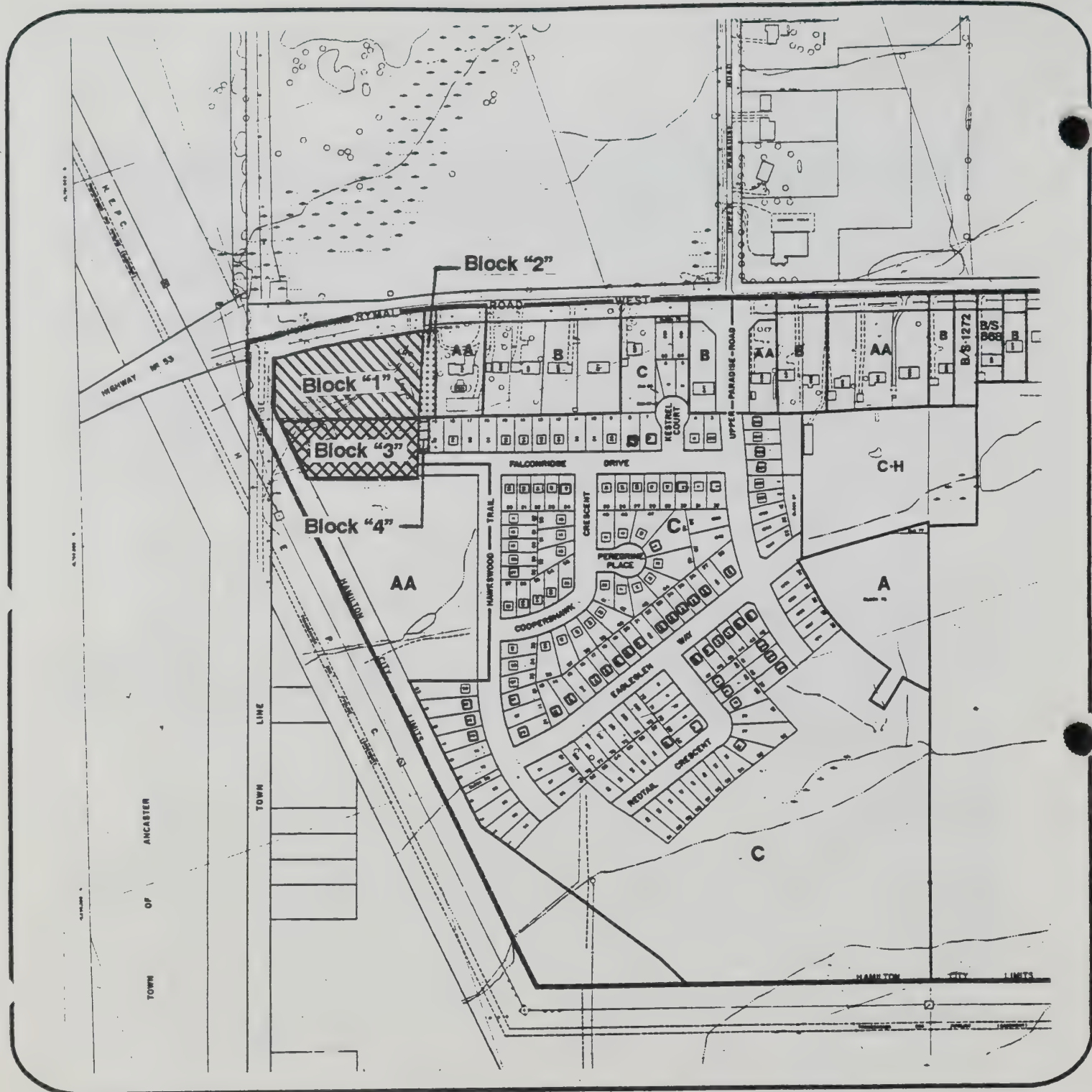
As there are significant servicing issues that need to be addressed prior to the development proceeding, it is appropriate that the subject lands be placed in a Holding Zone until such time as all of the necessary studies and servicing issues have been resolved to the satisfaction of the Regional Environment Department.

6. The Traffic Division have advised that the loading area shown on the conceptual site plan does not have sufficient on-site manoeuvring. Furthermore, the parking layout will have to be changed to facilitate this movement and also to eliminate "dead-end" corridors. The access width to Rymal Road West will have to be revised to provide a minimum of 7.5 metres. There must also be a minimum throat of 6.0 metres on this access.
7. Based on the plans submitted, the applicant is proposing two large signs (2 storey in height) and 13 box signs. The aggregate sign area shown is approximately 74 m² (795 sq.ft.). Based on the background information submitted with the application, the "Community and Residential Care Access Centre" is intended to function as an ambulatory clinic and nodal point for patient care, assessment and uptake in conjunction with a geriatric centre. The size and amount of signage originally proposed is similar to that of a commercial plaza. Based on the nature of the proposed use, the amount of external signage should be limited in keeping with the residential nature of the proposed development. In this regard, the applicant has agreed to reduce the amount of signage to the following:

- For the "Community and Residential Care Access Centre", an unlighted ground sign having an area of not more than 4.2 square metres and located not less than 2.0 m from any lot line; and,
 - For the restaurant, an unlighted ground sign having an area of not more than 1.2 square metres and located adjacent to the existing building.
8. The proposed "Community and Residential Care Access Centre" has merit and can be supported for the following reasons:
- i) the "Community and Residential Care Access Centre" will provide residential care and short-term care facilities and medical services, including patient care, assessment and uptake, to the communities of the Hamilton West Mountain, Ancaster and Glanbrook;
 - ii) it provides for the adaptive re-use of a heritage dwelling;
 - iii) it is situated on a major arterial road; and,
 - iv) it would be compatible with the abutting and planned residential uses.
9. The "DE-3" District is subject to Site Plan Control. Accordingly, matters such as grading, drainage, landscaping, fencing, building design, orientation and driveway access, etc. will be further reviewed at the site plan control stage of development.

CONCLUSION:





Based on the foregoing, the amended application for Blocks "1" and "2" to permit a "Community and Residential Access Care Facility" and accessory restaurant can be supported.



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

-  Block "1" From "AA" (Agricultural) District to "DE-3" - "H" (Multiple Dwellings - Holding) District, modified;
-  Block "2" From "C" (Urban Protected Residential, etc.) District to "DE-3" - "H" (Multiple Dwellings - Holding) District, modified;
-  Block "3" From "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, modified;
-  Block "4" From "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, modified;

Reference file:
ZAC-98-24

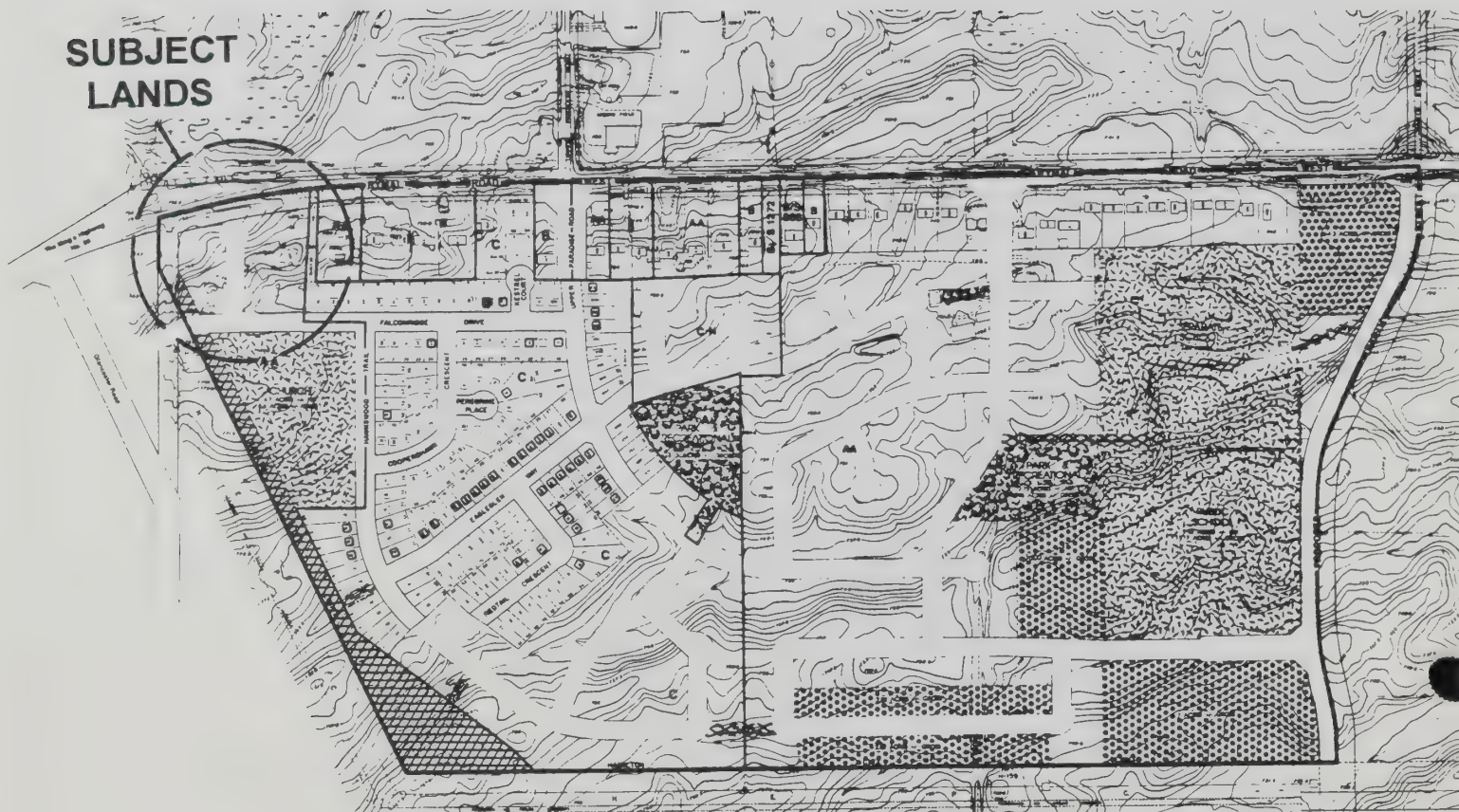
Scale
Not to Scale

Date
November, 1998

Technician:
F.N.



**SUBJECT
LANDS**



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

SEWER EASEMENT
POSSIBLE FUTURE
ROADS

EXISTING POPULATION (1994) 352

LAND USE

	RESIDENTIAL single & double
	attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approval
Planning Committee.....June 24, 1992
Council.....June 30, 1992
Latest Revision Date.....April 10, 1995

CITY OF HAMILTON
Planning Department

CARPENTER
APPROVED PLAN

NORTH
0 50m 100m

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary
Planning & Development Cttee. Date: 1998 Aug 14
8/13/98

93 Hawkswood Trail
Hamilton, Ontario

5(a)

July 29, 1998

AUG

City Hall - Planning Dept.
71 Main Street West
Hamilton, Ontario
L8N 4Y5

Attention: S. Robichaud

Re: File #ZAC 98-24

Dear Mr. Robichaud,

This letter is being sent on behalf of our family to voice our concern and complete objection of the proposal to the zoning amendment regarding 723 Rymal Road West.

We have recently moved to this area of Hamilton, and are very comfortable with the community as it stands today, which is a family development of all single family dwellings.

One of the main reasons we chose the Highridge South Development was to avoid an area which contained townhouses. As far as we were concerned, Hamilton Mountain is being smothered by townhouse development.

Our second reason for choosing this particular area was its peacefulness and the fact that you are removed from the constant noise of inner city life. Our family enjoys the outdoors and the quiet nature of our development.

Lastly, we decided to move here because we have two young children and the traffic pattern within the survey is minimal, and will be limited to the current planned residential community.

July 29, 1998

We are very concerned by the proposed zoning amendment since it ultimately eliminates the benefits of the community as it stands today, single family dwelling. This amendment will only detract from our community and green space, and will no doubt reduce property values.

We are also puzzled at how an ambulatory care facility could be considered in the face of health care cut-backs at other facilities in Hamilton and even the potential for closure.

For these reasons and the fact that there must be a more suitable alternative area for these types of developments, we ask that you stand opposed to this amendment.

Protect our family and community from the greed of developers.

Sincerely,

The Nicholsons

cc. Frank D'Amico
Duke O'Sullivan

5(b)

19 Falconridge Drive
Hamilton, ON
L9B 2P2
(905) 389-7518

July 28, 1998

JUL 30 1998

Planning Dept./S. Robichaud
City Hall
71 Main St. W.
Hamilton, ON
L8N 4Y5

Dear Sirs:

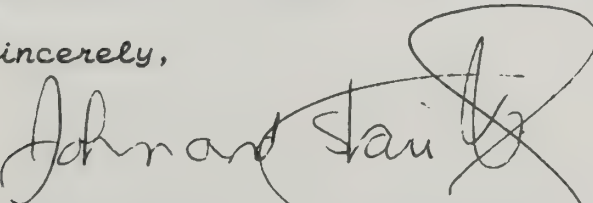
Re: File #ZAC 98-24

We are writing in respect to our opposition to a proposed zoning amendment in regards to 723 Rymal Road West, Hamilton, which lies at the westernmost end of Falconridge Drive.

We purchased our home at 19 Falconridge Drive in 1994, and if we had known that this kind of zoning amendment could possibly be put through, we would have re-thought purchasing our home in this location. We believe that this proposal would decrease our property value and also create increased pollution from the parking lot (gas, oil, salt run-off) and potential garbage smell from the proposed ambulatory care facility.

Kindly take note of our disapproval when it comes time for a decision to be made in connection with the above matter.

Sincerely,


John and Shari Van Groningen

JUL 29 1998

July 27, 1998.

Planning Dept., City Hall,
71 Main St. W., Hamilton, Ont.,
L8N 4Y5

Richard and Janet Meleskie
64 Falconridge Dr.,
Hamilton, Ontario,
L9B 2P3
Phone: 905 388 8949

5(c)

Attention: S. Robichaud
Reference: File # ZAC 98-24

Dear Sir,

This is to inform you that we object to the zoning amendment proposed for 723 Rymal Rd. W. under file # ZAC 98-24, which would allow the construction of an ambulatory care facility as well as townhouses at the end of Falconridge Dr.

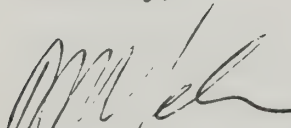
We bought a 4 bedroom, 2-storey luxury home on Falconridge Dr. approximately two years ago under the impression that the neighborhood would only include single, residential housing. We feel that the townhouse development and ambulatory facility will devalue the market price of our home and the increased traffic and business will further depreciate its future value.


Aside from the financial considerations, we are concerned about the safety of our neighborhood for our children and feel that the amendment has no business being proposed in our prestigious single housing residential community.

Let us avert any future problems now and reject the amendment to keep our community, our children and our investments safe.

Please register our disapproval of this proposition. We hope it makes a difference.

Sincerely,


Richard Meleskie


Janet Meleskie

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary,
Planning & Development Cttee. Date: July 27/98

City Hall
Planning Department
71 Main St. W.
Hamilton, ON L8N 4Y5

5 (d)

July 22, 1998

ATT: S. ROBICHAUD

I am a resident of Highridge South. Specifically, my husband and I live on Falconridge Drive. I received notice yesterday of the zoning amendment which has been proposed for 723 Rymal Road W. which includes plans to construct a 3-storey ambulatory care facility and parking lot as well as 27 bungalow townhouses at the end of Falconridge Drive.

PLEASE NOTE THAT WE ARE STRONGLY OPPOSED TO THIS PROPOSITION AND DO NOT WANT TO SEE OUR COMMUNITY DISTURBED WITH THESE NEW ZONING AMENDMENTS.

WE SINCERELY HOPE THAT YOU WILL TAKE THIS LETTER INTO CONSIDERATION BEFORE IMPLEMENTING THIS NEW PLAN.

Thank you.

Chris and Daniela Gollob

(FILE #: ZAC 98-24)

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary
Planning & Development Ctte. Date: July 24/98

APPROVED & DEVELOPMENT	
CAL. PLANNING & RESEARCH	
No.	JUL 24 1998
TO	PLANNING & DEVELOPMENT
FROM	PLANNING & DEVELOPMENT
SUBJECT	PLANNING & DEVELOPMENT
DATE	JUL 24 1998
BY	PLANNING & DEVELOPMENT
REMARKS	PLANNING & DEVELOPMENT
APPROVED	PLANNING & DEVELOPMENT
ADMIN.	PLANNING & DEVELOPMENT

5(e)

Re: File # ZAC 98-24

July 20th 98

Dear Sir;

It has come to my attention that a new zoning proposal is being sought for 723 Lymal Road W. It is my understanding that this proposal would include... a 3-storey ambulatory care centre, parking lot, and a 27 unit townhome development. Also in this plan is the demolition of existing mature trees as well as the existing Page family homestead. All of this is completely and totally "unacceptable!" I am writing this letter as means of voicing my, as well as my families extreme disapproval of this new proposal. I live in a single family home property directly across from the cul-de-sac at the end of Falconridge Drive. I do not wish to see my property value drop because of lower income townhomes, parking lots, noise and increased pollution! No one in this family-oriented survey does. Please consider this,

as well as all other forthcoming objections; and
reject this proposal for a zoning amendment.

I thank you for your time in this matter.

Mr. & Mrs. A. Okimi, Kaleigh & Dustin
15 Hawkswood Trail
Hamilton, Ontario

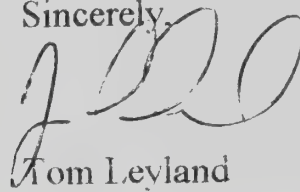
LSB 2P3.

$$S(f)$$
[illegible]

Steve, I hope you will keep me informed of any developments with regard to this property, and I look forward to the meeting in September. I will be

informing the surrounding homeowners with regard to this proposal and urging them to voice any objections they may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Leyland', with a stylized, cursive script.

Tom Leyland

Mr. Jerry Amatangelo
39 Tommar Place
Hamilton, Ontario
L8G 5B4

5(9)

January 4, 1999

JAN 05 1998

Attention: Tina Agnello, Secretary
Planning and Development committee,
The Corporation of the City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Re: Zoning application ZAC-98-24
723 Rymal Road West
Jomar Development Corporation (owner)

Dear Committee members:

On the matter of Zoning Application ZAC—98-24, for an official plan amendment and changes in zoning, I am submitting my formal objection to this proposal.

As an adjacent landowner, I have a vested interest in maintaining the integrity of the neighbourhood plan, as was approved by council a number of years ago. It is imperative that the neighbourhood retains its appropriate mix of residential dwellings, as well as its proper densities. This mix will insure that the neighbourhood character envisioned by the planners and council will come to fruition. Thus creating varying degrees of housing affordability and a unique urban character.

As landowners, we rely on the Official Plan schedules and policies, which identify existing and planned commercial centres. These lands are designated for residential purposes and were never intended for any type of commercial use. Accordingly, the proposed commercial use of these lands is contrary to the approved Official Plan of the City of Hamilton.

The Carpenter Neighbourhood Plan also designates these lands for residential purposes. Again, the commercial use of these lands has never been contemplated by the more detailed neighbourhood plan. The proposed commercial use of these lands is therefore contrary to the intent of the approved Carpenter Neighbourhood Plan.

The approved Carpenter Neighbourhood Plan specifically proposed low density residential development on the subject property via a cul-de-sac extending north from the extension of Falconridge Drive. One of the primary reasons was to prevent direct access onto this section of Rymal Road for safety reasons. The subject proposal creates two new access points onto Rymal Road in a location that was previously determined to constitute a traffic hazard.

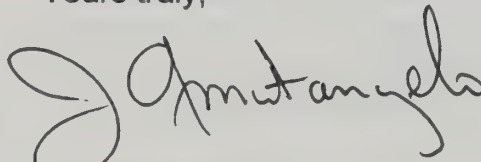
The subject property is situated at the extreme westerly limit of the City of Hamilton. Lands to the west and on the opposite side of the hydro corridor are within the Town of Ancaster and are designated for agricultural purposes. An intense commercial development such as is proposed, should not be established on the urban boundary but rather a less intense low-density residential use represents a better transition between the agricultural community and the urban boundary.

The approved densities must be adhered to, in order to keep the neighbourhood viable. For without these projected densities, the threshold areas would need to be extended beyond their present limits, for such essentials as schooling and commercial development. Inevitably, this would perpetuate a series of problems associated with such threshold changes, such as busing and store closures.

The west mountain planning area of the City of Hamilton is well served by existing and proposed commercial and office sites. With a very limited population to require these services, we question the need for additional medical offices. No market studies or demographic analyses have been included with the application to support the need for additional medical facilities.

I support what both council and planning have previously approved for this neighbourhood. It was deemed then, as it is now, as being in the best interest of the Carpenter community.

Yours truly,



J. Amatangelo

Office of the Municipal Clerk

Memorandum

6.

TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Susan K. Reeder, Acting Secretary
Parks and Recreation Committee

DATE: 1998 December 11

SUBJECT: Disposal of City owned lands on Hamilton Beach

This will confirm that City Council at its meeting held Tuesday, December 8th, 1998 approved Section 16 of the Twelfth Report for 1998 of the Parks and Recreation Committee respecting the above noted matter.

You will note that sub-section (e) of this resolution reads as follows:

- (e) That the Parks and Recreation Committee request the Planning and Development Committee to direct the appropriate staff to prepare a Terms of Reference for a Master Drainage Plan Study to address the flooding problem for both private and public properties on the west (Bay) side of Beach Boulevard at an estimated cost of \$20,000, the cost of which is to be charged to Account No. CF 5698 629750011 (Hamilton Beach Neighbourhood Plan Implementation).

For your reference, and appropriate action, attached herewith is a copy of the staff report on this matter.


Attachment

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 17

REPORT TO: Kevin C. Christenson, Secretary
Parks and Recreation Committee

FROM: J. J. Schatz
Municipal Clerk

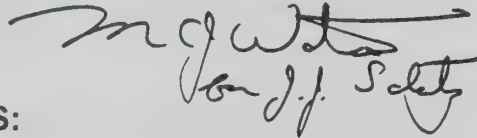
SUBJECT: Disposal of City Owned Lands on Hamilton Beach

RECOMMENDATION:

- (a) That upon completion of the transfer of lands from the Hamilton Region Conservation Authority (HRCA) (including lands surplus to the MTO) to the City of Hamilton, as approved by City Council on 1997 December 11, the Manager of the Real Estate Division be authorized and directed to proceed with the disposal of those lands not required for municipal purposes in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
- (b) That the sale of the lands be carried out in accordance with the following strategy:
 - (i) those lands that form viable 1 and 2 family residential building lots within the appropriate residentially zoned areas are to be sold by public tender; and,
 - (ii) those building lots that are not sold through the public tender process will be placed for sale with the Real Estate Brokers presently retained by the City and listed through the Multiple Listing System with the Hamilton, Burlington and District Real Estate Board; and,
 - (iii) those lands that are to be developed for uses other than 1 and 2 family residential lots within the appropriate zoned areas are to be placed for sale with the Real Estate Brokers presently retained by the City and listed through the Multiple Listing System with the Hamilton, Burlington and District Real Estate Board; and,
 - (iv) those lands that are insufficient in dimension or area to be developed independently are to be offered for sale to the abutting property owners; and,

- (v) those lands that are required for sewage pumping facilities being 377, 640, 809 and 984 Beach Boulevard be sold to the Regional Municipality of Hamilton-Wentworth; and,
- (c) That prior to the sale of these lands the following conditions are satisfied:
- (i) a registered survey plan identifying each property to be sold; and,
 - (ii) a Master Drainage Plan Study addressing the flooding problems for both private and public properties on the Hamilton Beach; and,
 - (iii) an Infill Guideline Proposal for new housing on the Hamilton Beach; and,
- (d) That the Offer to Purchase Agreements for the sale of the 1 and 2 family lots include but not be limited to the following conditions:
- (i) all development on the west (Bay) side of Beach Boulevard is to be in compliance with Zoning By-law No. 6593; and,
 - (ii) all Purchasers will be required to enter into a Lot Grading Agreement with the City of Hamilton Building Department prior to the issuance of a building permit; and,
 - (iii) all Purchasers acknowledging the potential of flooding in the Hamilton Beach Neighbourhood; and,
 - (iv) all Purchasers shall obtain and commence construction on the purchased lands within one (1) year of the purchase date with said construction to be completed within two (2) years of the date of purchase; and,
 - (v) should construction not have commenced within the one (1) year time period noted above, the City shall have the option to repurchase the property for the sale price (without any interest) – less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands; and,
 - (vi) all Purchasers shall agree not to transfer, grant, lease, licence or otherwise convey the purchased properties until such time as the residential building is wholly constructed and an occupancy permit has been issued; and,

- (e) That the Parks and Recreation Committee request the Planning and Development Committee to direct the appropriate staff to prepare a Terms of Reference for a Master Drainage Plan Study to address the flooding problem for both private and public properties on the west (Bay) side of Beach Boulevard at an estimated cost of \$20,000, the cost of which is to be charged to Account No. CF 5698 629750011 (Hamilton Beach Neighbourhood Plan Implementation).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1997 June 24, City Council, by adopting Item 8 of the 6th Report of the Parks and Recreation Committee, approved the implementation of the Hamilton Beach Neighbourhood Plan.

Subsequently, City Council on 1997 December 11 adopted Item 2 of the 1st Report of the Committee of the Whole approved the acquisition of 159 properties comprising 10.32 hectares (25.49 acres) from the Hamilton Region Conservation Authority along with an additional 3.9 hectares (9.6 acres) of MTO lands in order to achieve this plan.

As it is anticipated the completion of this transaction will take place some time prior to the end of 1998, the subject report outlines the procedures and requirements involved in the disposal of those lands not required by the City through their sale to the public.

In total there are 159 separately identifiable parcels owned by the HRCA although not all are independently developable. Assembly of contiguous parcels will create 71 residential building lots in full compliance with zoning and the approved Hamilton Beach Neighbourhood Plan. There are an additional 19 lots that require "achievable" variances and 8 lots that could be considered "lots of record" but in the interest of good planning should not be sold for residential development by themselves. There are also several parcels that are substandard in size that can only be sold to abutting owners. There are an additional 4 single family lots which are currently leased to the Region by the HRCA that will be sold once title is conveyed to the City. There are also potentially 45 residential building lots which are being transferred to the City that were formally MTO lands. The total number of lots that will be available for disposal by the City is subject to final surveys being completed.

Given the large number of residential lots that are involved in this disposal project, it is the opinion of staff the most effective way to sell the lands is through the public tender process (with a reserve for the sale of each lot being established by a fair market value appraisal in keeping with the City's Real Property Sales Procedural By-law No. 95-049). This would eliminate the possibility of an unmanageable number of multiple offer situations should all the lots simply be listed for sale. A phasing of the tenders will allow the City to market those large serviced more desirable lots first, with the smaller

unserviced lots being sold second and the smaller side street lots being sold last providing the City with an orderly and productive manner in which to recapture the costs expended in acquiring the Hamilton Beach properties from the HRCA.

Over the past years, a number of property owners in the Hamilton Beach Neighbourhood have expressed an interest in acquiring those lots that abut their property at such time as the City was in a position to sell them. Consequently, a list of potential purchasers has been kept and the individuals have been advised that they will be notified when the abutting lot is to be tendered and that the sale is to be at market value.

As with any project where a number of lots are placed up for sale at one time, a certain number of lots are more attractive than others. Subsequently, all the lots that are to be offered through a public tender may not sell due to the reserve bid not being obtained. These residential lots along with those lands that are in areas of the Hamilton Beach Neighbourhood that are to be developed for multiple residential and commercial uses will be listed for sale at market value with Real Estate Brokers that are presently under contract with the City. This will allow for a longer exposure time to the open market and assist the City in realizing a better return for these lots.

Smaller parcels of lands that are not developable on their own, due to their dimensions or area are to be offered for sale to the abutting property owners.

Given the number of properties involved in this disposal process, the staff time required to obtain appraisals and prepare the appropriate tender/sale documents upon completion of the elements set out in recommendation (b) of this report, it is anticipated that it will be mid to late spring of 1999 before these properties are available for sale. All properties must be declared surplus prior to their sale by City Council pursuant to the City's Real Property Sales Procedural By-law No. 95-049.

The funds realized from the sale of the former HRCA lands be credited to Account Centre CH 00102 (Reserve for Property Purchases) as was approved by City Council on 1997 July 8 in adopting Item 12 of the 15th Report of the Finance and Administration Committee.

It is the City's understanding that those funds realized from the sale of the former MTO lands are to be held by the City and utilized for the establishment and development of a Waterfront Trail along the Lake Ontario Shoreline from Eastport Drive on the west to Van Wagner's Road on the east. These funds to be used to match the Ministry of Natural Resources (MNR) share (plus interest earned) by virtue of the proceeds received by the MNR as a result of the HRCA's sale of the Hamilton Beach properties to the City; to be held by the Waterfront Regeneration Fund or alternatively the HRCA for the completion of the Trail.

Flooding on the Beach Strip

The west (Bay) side of Beach Boulevard exhibits unique hydrological characteristics. When Lake Ontario rises above 75.2 metres mean sea level there is a corresponding rise in the ground water table. This rise in the ground water level may cause flooding to

the streets and private properties. This problem is especially acute at the southern end of the streets, where the elevation of the land and the outflow of the culvert system are similar.

Dillon Consulting Engineers and Planners undertook a study to identify the hydraulic and flood damage calculations for the Beach Strip area.

"This (study) included determining the expected exposure to flooding from three (3) different sources. The first was directly from Lake Ontario through Lake Levels, wind set-up and wave run-up. The second considered overland drainage including backflow via storm sewer outfalls and the third dealt with high groundwater levels. The frequency of flooding which could be expected was also taken into account. A damage calculation was then prepared using the Canada/Ontario Flood Damage Reduction Program Report on Flood Damage Curves published in 1985. Following is an outline of the findings:

- plotting of the computed flood levels on contour maps did not identify any houses along the shoreline, which could be affected by waves;
- overland flooding could be expected to impact on 3 houses with a 20 year flood frequency, 56 houses with a 50 year flood frequency and 93 houses with a 100 year frequency;
- groundwater flooding could be expected to impact on 154 houses with a 2 year frequency and up to 297 houses with a 100 year frequency;
- the average annual total damages were calculated by considering each type of house and then using the Government publication identified above;
- the theoretical annual total damages were found to range between \$62,000 and \$350,000. In practice, it was felt that the higher figure would never be reached because of the extensive basement pumping practiced by homeowners;
- an additional damage calculation was undertaken only for the overland flooding component, assuming those groundwater seepage's are pumped out from all basements. This set of calculations gave an annual total damage of only \$3,100."

There are two issues that have been identified that may assist with respect to flooding:

Individual Lot Grading

Construction of new structures on existing and new lots, in this area, may lead to changes in the grading of the property in order to meet the minimum ground floor elevation of 76.0 metres. To prevent water accumulation and/or adverse drainage effects on adjacent properties from this re-grading, the developer/owner

will be required to provide a lot grading plan and to enter into a Lot Grading Agreement with the Building Department prior to issuance of a building permit. This is the current practice for undeveloped lots that are sold by the City and is one of the conditions in the Offer to Purchase. In addition, there are other lots that are held by private owners. In this regard, before the building permit is issued, all these lots will be required to enter into a lot grading agreement with the City.

In order to guide these lot grading plans, it is important that an overall plan be established as framework to control the individual plans and ensure that interim and long term solutions to lot drainage issues can be achieved in a co-ordinated approach.

Street Flooding

The City has spent a considerable amount of money pumping the water from these streets in the spring of each year, and as this is an expensive proposition, it is prudent to seek a more long term solution to this problem. As a result, at its meeting of 1998 June 30, City Council approved the following recommendation:

- (a) That the Commissioner of Public Works and Traffic prepare proposals to address the periodic flooding of streets on Hamilton Beach adjacent to the QEW for the consideration of the Transport and Environment Committee and inclusion in the 1999 Capital Budget deliberations;
- (b) That the Commissioner of Public Works and Traffic initiate discussions with the Ministry of Transportation to determine the potential and scope of the Ministry's participation in the recommended solution for the periodic flooding of beach strip roads adjacent to the QEW.

Given the problems of flooding for both public and private properties on the west (Bay) side of Beach Boulevard, the City should undertake a Master Drainage Plan. The results would be used to guide the individual lot grading as well as assist in providing practical solutions to the street flooding.

A multi disciplinary team of representatives for the Planning and Development, Public Works and Traffic and Building Departments, Real Estate Division, Hamilton Region Conservation Authority, Hamilton Harbour Commissioners and the Ministry of Transportation have been assembled to prepare a Terms of Reference for the Study.

The cost is expected to be approximately \$20,000 and will be funded through the Hamilton Beach Neighbourhood Plan Implementation Account No. CF 5698 629750011 with the account to be reimbursed from the proceeds of the sale of these Hamilton Beach properties by the City.

Also in an attempt to reduce the impact of the flooding problem on the west (Bay) side of Beach Boulevard, zoning modifications have been introduced and City Council, at its meeting of 1998 November 10, passed By-law No. 98-281. The purpose of the by-law is:

- to require a minimum ground floor elevation of 76.0 metres above mean sea level for new buildings and all additions over 14 square metres in area;
- to prohibit basements/cellars;
- to require additions, less than 14 square metres, to have a minimum floor elevation at or above the existing elevation.

With respect to residential development in the Hamilton Beach Neighbourhood a set of guidelines has been drafted to guide the design of new houses to be built on the City lots. These guidelines, being prepared by the Planning and Development Department, are intended to help ensure that the new housing enhances the existing character of the Beach Neighbourhood. The Beach is a special character area within the City, due to its original development as a summer resort area. Many houses include features typical of the Victorian and Edwardian eras, such as large porches, wood shingles or similar cladding, balconies, gables, trellis and ornate wood trim. Houses with these features are especially prevalent within an area of the Beach near the Canal, called the Historic District. The proposed guidelines are intended primarily for this Historic District, and will also be considered for application to other areas of the Beach. These guidelines and the process for their implementation are presently being finalized, and will be the subject of a separate report to Planning and Development Committee in the near future.

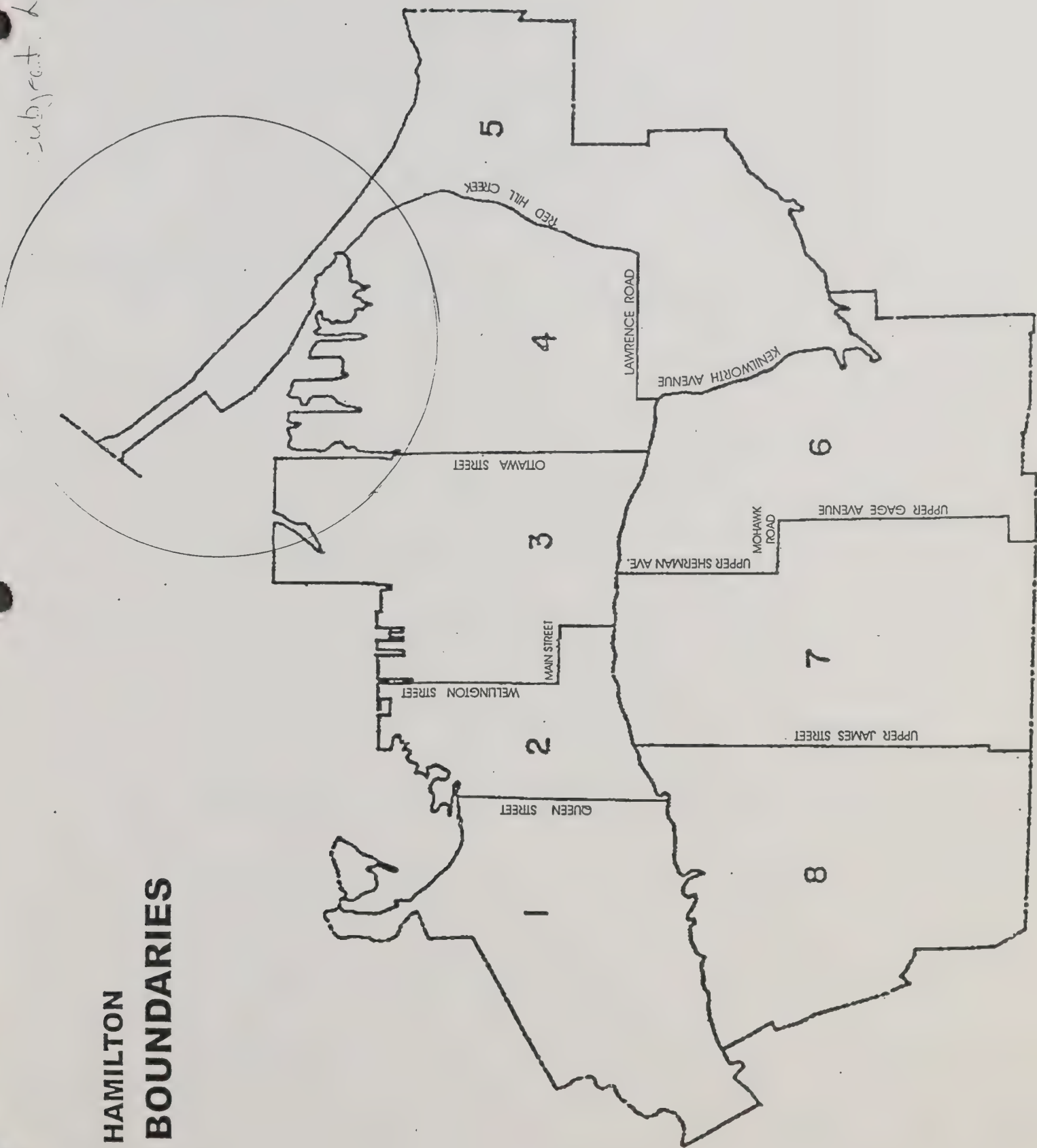
The disposal of these lands that are being acquired from the HRCA by the City and their development in accordance with the conditions and guidelines set out in this report will allow for efficient and controlled community growth in this area as was envisioned when Council originally approved the Implementation of the Hamilton Beach Neighbourhood Plan.

KN/nw

c.c. Alderman C. Collins, Alderman, Ward 5
Alderman F. Eisenberger, Alderman, Ward 5
R. C. Roszell, Corporate Counsel
Attention: J. Davidson
Attention: A. Zuidema
A. Ross, General Manager, Finance
K. M. Lau, Manager of Surveys, Roads Division
J. Hickey-Evans, Manager, Policy Planning and Analysis, Planning and Development Department
E. Chajka, Manager of Development, Development Division, Regional Environment Department
B. Matthews-Malone, Manager, Operations Engineering Section, Regional Environment Department
L. King, Building Department
Attention: J. Beckett
B. Chrystian, Manager of Parks, Public Works & Traffic Department

CITY OF HAMILTON WARD BOUNDARIES

subject lands



CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1999 January 20

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

- (i) Minutes of the Special meeting held 1998 November 24
- (ii) Minutes of the meeting held 1998 December 2
- (iii) Minutes of the Special meeting held 1998 December 8

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

- (i) Barton Village Business Improvement Area (B.I.A.) – Revised Board of Management
- (ii) Barton Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payments for 1999
- (iii) Westdale Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payments for 1999
- (iv) Public Works and Traffic Department, Community Renewal Section, 1999-2008 Provisional Capital Budget

C. BUILDING COMMISSIONER

- (i) Demolition – 569 Rymal Road East
- (ii) Demolition – 713 Barton Street East
- (iii) Demolition – 50 Glassco Avenue South (Previously Tabled)

CONSENT AGENDA
PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1999 January 20

D. DIRECTOR OF PLANNING AND DEVELOPMENT

City Initiative 98-B – Restaurant Parking in an “H” District

**E. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY
COMMITTEE**

Heritage Permit for Proposed Sprinkler System – 252 James Street South

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1998 November 24
Room 233, City Hall
4:30 o'clock p.m.

The Planning and Development Committee met in special session

There were present: Alderman F. D'Amico, Chairperson
Mayor R. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman B. Charters
Alderman B. Kelly

A (i)

Regrets: Alderman G. Copps
Alderman F. Eisenberger

Also present: Alderman C. Collins
Terry Whitehead, Mayor's Executive Assistant
Victor Abraham, Director of Planning and Development
Mary Lou Tanner, Planning and Development Department
Bill Janssen, Planning and Development Department
Dave Powers, Law Office
Mike Watson, Real Estate Division
N. Adhya, Finance Department
Nicole Sugden, Sherwood Secondary School (shadowing the Mayor)
Tina Agnello, Secretary

1. IN CAMERA MEETING

The Committee moved into closed session to discuss property matters and reconvened thereafter with the following report:

That the report of Mayor R.M. Morrow and Alderman F. D'Amico, Chairman of the Planning and Development Committee, dated 1998 November 17, be approved as amended as follows:

- (a) That the Canderel proponent be notified that they are selected for further consideration for the development of an Urban Entertainment Centre in the Downtown Core; and,
- (b) That staff of the Community Planning and Development Department, Economic Development Department, Finance/Treasury Department, Corporate Services Department (City Solicitor's and Real Estate), with the initial co-ordination by the Community Planning and Development Department, be directed to review and request additional information in regard to Canderel's proposals and develop the City's potential conditions of approval for the Urban Entertainment Centre; and,
- (c) That the Sub-Committee of elected representatives continues its function to provide advice and oversee the process with the Canderel proponent.

2. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved

Alderman F. D'Amico
Chairperson

T. Agnello
Secretary

/jt

Wednesday, 1998 December 2
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

A (ii)

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger

Regrets: Mayor R. Morrow, Civic Business
Alderman B. Charters, Civic Business
Alderman B. Kelly, Civic Business

Also present: Alderman A. Horwath
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Keith Extance, Planning and Development Department
Bill Janssen, Planning and Development Department
Nina Chapple, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Steve Robichaud, Planning and Development Department
Dave Powers, Law Department
Ed Switenky, Public Works and Traffic Department
Mike Watson, Real Estate Division
Hazel Milsome, Public Works and Traffic Department
Len King, Building Commissioner
Peter Lampman, Building Department
Mark Mascarenhas, Housing and Loans Division
Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. Zoning Application 98-39 by Hamilton Star Temple c/o Jadwiga Weisz, Owner, for a Modification to the "H" District for Property Located at 1800 King Street East.

Paul Mallard advised that the application is to modify "H" District to convert the former Star Temple to residential a care facility for 20 people. He stated that there is another care facility within 110 metres.

The subject proposal is for seniors occupancy. The building is vacant and there is ample parking for this facility.

The proponent is providing landscaping. The facility is on a major road and has access to public transit. Mr. Mallard stated that it is a good adaptive re-use of the property.

There are also provisions for a visual barrier and variances to the existing driveway.

Fred Lee was present on behalf of Jadwiga Weisz, who was also present.

Alderman Copps stated that she objects to allowing these because the radial separation is not being enforced. She also stated that it is a high traffic area and she is concerned that there were no details with regard to the operation of the facility.

Alderman Caplan stated that staff has made a good rationalization of the proposal.

Alderman Corsini concurred and stated that the proposal is similar to the Villa Atrium.

Paul Mallard proposed an amendment that the facility be for the use of people 65 years of age and older. He stated that the Building Commissioner advised that a 65-year age limit is more appropriate under the Human Rights legislation.

As recommended in a report from the Director of Planning and Development dated 1998 November 20, the Committee recommended to Council as follows:

That approval be given to Zoning Application 98-39, Jadwiga Weiss, prospective owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a residential care facility (2nd level lodging home) to accommodate twenty (20) senior citizens within the existing building, for property located at 1800 King Street East, as shown on the attached map, marked as Appendix "A", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to the subject lands be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 14(1)(i) of Zoning By-law No. 6593, the following use shall be permitted:
 - (1) a senior citizens "residential care facility" for the accommodation of a maximum of twenty (20) persons only within the building existing on the date of the passing of this by-law; and,
 - (ii) For the purpose of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 65 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board; and,
 - (iii) That Section 14(7) of Zoning By-law No. 6593, shall not apply to the subject lands; and,
 - (iv) That Section 18 A. (11) and 18A. (12) (a) of Zoning By-law No. 6593, shall not apply to the entire westerly lot line; and,
 - (v) That Section 18A. (24) (b) of Zoning By-law No. 6593, shall not apply only to the existing 3.66 m (12- 0") driveway adjacent to the existing building; and,
 - (vi) That a minimum landscape area of 23.0 % of lot area shall be provided and maintained on the lot; and,
 - (vii) That a visual barrier not less than 1.8 m and not greater than 2.0 m in height shall be provided and maintained along the southerly, easterly and westerly lot lines adjacent to the rear yard; and,
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1420, and that the subject lands on Zoning District Map E-66 be notated S-1420; and,

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66, for presentation to City Council; and,
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

* Alderman Copps opposed.

2. Subdivision Application 98-03 and Zoning Application 98-32, by the Bucci/Chiaravalli Group, Prospective Owners, for Changes in Zoning for a 3.765 ha Parcel of Land Located at the North-East Corner of Fennell Avenue West and West 5th Street.

Submissions were received from the following:

- (a) LACAC Recommendation Report
- (b) Alderman D. O'Sullivan, Ward 8

Paul Mallard stated that the application is for an adult lifestyle community on 9.3 acres of land. The proposal is to construct 16-metre road allowances. There will 14 blocks for freehold townhouses and 61 townhouses altogether. Nineteen will be condo townhouse units. A 144 unit senior facility will also be on site and there is a block to be dedicated as parkland.

Mr. Mallard advised that there are various planning issues. In terms of heritage features, the Auchmar house itself forms part of the senior's complex. The existing stone gates are to be retained. The Coach House is to be retained as well. It is undetermined whether the dovecoat and the garden walls will be retained.

LACAC has requested that the property be designated as an historical site.

Another issue is the natural vegetation. There is an existing orchard and the Planning Department has requested that a tree plan and inventory be conducted.

Variances are also an issue. There are various reductions in rear setbacks, front setbacks, required lot widths and side yards.

Also, it is unclear what type of parking will be provided for the senior's facility.

The parkland is also a concern in that the Planning Department cannot support parkland dedication as it is an isolated portion of land with limited visibility. It is also too small to allow for any equipment to be placed there and there are already two existing parks in the area.

The road allowance is also a concern. Since the road services 224 units, the normal standards for a road are 20 metres. The geometry is a concern. There are issues to be clarified with regard to on-street parking and the roadway may be used as a short cut from West 5th to Fennell Avenue.

In conclusion, staff supports the concept of a senior lifestyle community, however the plan presently before the Committee is premature. It is an over-intensification of use and not sensitive to the single-family characteristics of the surrounding area. Mr. Mallard suggested that there should be some single-family units to allow for a transition.

Sergio Manchia, and John Ariens, Planning & Engineering Initiatives, 69 John Street South, Hamilton, were present.

Mr. Miller of the Bucci Group, on behalf of Mr. Whelan, Solicitor, was present.

Sisters of Social Service were present.

Mario Cupido was present as well as Mr. Chiaravelli and Mr. Bucci.

Mr. Manchia stated that this a common type of development, being adult lifestyle. It is innovative and they have incorporated the existing Auchmar House. He stated that an informal public meeting was held where residents were present who came away from the meeting with a better understanding of the merits of the proposal. At present the property is zoned "C", Single Family. There will be three types of housing – freehold, bungalows and an apartment complex. The height of the buildings will be lower than the single-family housing in the surrounding area.

With regard to the five heritage features, he stated that it is the intention to preserve 4 ½ since some of the garden wall will be retained.

With regard to technical matters, Mr. Manchia stated that the City of Hamilton does not have a Property Tree Cutting By-law or a requirement for tree preservation, nonetheless an arborist has been retained to deal with this matter. He stated that the 16-metre right-of-way is in order to preserve the dovecote. He stated that the owners are willing to give the dovecote up to LACAC for \$1. in order that they can retain it. He stated that there are 16-metre rights-of-way in other communities. He was concerned that they have been trying to co-operate with LACAC with little success. In terms of the variances, he stated that they are not significant. With regard to the parkland, he stated that this is in order that a wooded area can be maintained. In terms of parking, he stated that three parking spaces would be provided per unit with no on-street parking. The nature of the development is for adult lifestyle and will not generate a lot of traffic at peak periods.

Mr. Ariens spoke on the planning merits. He stated that, in his opinion, the proposal conforms with the Official Plan. It is the type of development currently needed for this area. It complies with Provincial Policy Statements and Heritage Policies. It is a unique project and is not over-intensification. He stated that the retirement building should not be included in the density calculations. He continued by saying that there is more possibility of student housing and boarders if the proposal includes single-family homes. Therefore, in his opinion it represents good planning.

Mr. Miller, a Real Estate lawyer, was present on behalf of Terry Whelan. He stated that the Sisters already live in the Coach House and will be neighbours of the development. The developers are Hamilton builders. He stated that outlying areas have projects such as this but Hamilton does not.

Paul Clayton, 192 West 2nd Street, Hamilton, was present. He was concerned with privacy. He stated that there won't be much privacy with the five or six foot fence and a 20-foot backyard. He asked if the bungalows could be zoned for one storey only and the main building zoned for two storeys only in order to address any grading concerns.

Stan Hansel, 51 Fennell Avenue West on, the corner of West 3rd Street, Hamilton, was present. He is concerned with the traffic that would be generated. He stated that there are too many units and the use is too intensive for two exits.

David Marcus, 28 Glenwood Crescent, Hamilton, was present. He stated that he wants the stone wall to stay. He also told the Committee that an adult lifestyle community cannot be guaranteed and that students can live there if they wish. He stated that in addition to this over-intensification, there will be more development on the psychiatric hospital property.

Ron Fisher, 67 Cloverhill, Hamilton, was present. He submitted a petition and a letter. He stated that if he purchased the property he could sell to someone with children. He asked if the main building would be used as a care facility. He was also concerned with traffic and suggested that trees be left at the lot line for privacy.

Mr. John Trcka, 27 Glenwood Crescent, Hamilton, was present. He stated that it had been a quiet neighbourhood and he felt that the rear yards of the homes would be too close to the lot lines. He is concerned with the type of fence to be built and would like a guarantee that trees are to be saved. He also questioned whether dynamite would be used to blast the basements since that may lead to cracked basements in the surrounding homes.

Barbara Iampietro, 188 West 2nd Street, Hamilton, was present. She was concerned with the density and stated that there is no guarantee that it will be an adult lifestyle facility. She submitted letters and petitions to the Committee secretary.

Nancy Tweedie, 202 West 2nd Street, Hamilton, was present. She stated that there is a wall that backs onto her property and suggested that it be incorporated or that the wall be moved in order to save it. She is concerned that the density of the project is too high and questioned if there would be staff required for the care facility.

T.N. Bailey, 81 Cloverhill, Hamilton, was present. He stated that he is a 50-year resident. He is happy that there are considerations to historical aspects but he urged that as many trees be saved as possible. He is also concerned about the sewers and the drainage.

Mr. Mario Cupido, Realtor and Appraiser for the project, was present. He stated that the history of the development was that an independent appraisal was done and in the report it was stated that the best use is to convert the Retreat House to rental units for student housing and also that the rest of the lands be developed accordingly. The Sisters have not been agreeable to this. The Auchmar House needs a lot of money expended on it to restore it and the proponents are doing this. He also stated that we should not encourage people to relocate to Ancaster, Glanbrook and Burlington for these projects when they can be possible here in Hamilton. He stated that thus far they have received several enquiries from seniors for this proposal. He reiterated that the developers are local.

Frank DeFranco, 198 West 2nd Street, Hamilton, was present. He stated that he is not opposed to the project but would like to have some input as to how it proceeds.

Bill King, of LACAC, 36 Bay Street South, Hamilton, was present. He stated that there have been a number of properties converted and they have done well. Development of the entire site is dependent on the Auchmar House.

John Ariens stated that they cannot guarantee that the project will be a senior's project, but by tailoring the site accordingly they can assure that it will be more attractive to seniors with no children. He stated that seniors result in less traffic and that it can be possible to place a tree buffer around the periphery.

Mr. Manchia stated with the introduction of a draft plan stage there will be some storm water management control. He also stated that the neighbours will be consulted to see whose property is currently having flooding problems. With regard to blasting, Mr. Manchia replied that there are ways of removing stone without blasting.

Alderman Eisenberger stated that an adult complex cannot be mandated but one can build for seniors lifestyle. He would like to see the dovecote saved though he does have difficulty having a City road in this plan and suggested that it be a private road. He was also not in favour of the dedication of the parkland to the City. He suggested to the Committee that the issue be referred back to staff for further review.

In response to a question from Alderman Copps, Sergio Manchia stated that there are 90 units and there will be approximately 1.5 persons per unit. Alderman Copps stated that the use is too intensive and is premature.

Alderman D'Amico advised that the property is unique with heritage features. He stated that unfortunately the heritage features are not designated, therefore the proponents are being fair in saving most of the features. He stated that there has been ambiguity from staff with regard to the dovecote, as such, he agrees with a 16-metre right-of-way if it is to save the dovecote. It is his opinion that more input is required from the community to ensure that this is the best development. This type of development is needed in Hamilton. It won't impose a burden on schools or traffic. He suggested a Sub-Committee be struck of the neighbourhood residents, staff, the Ward Aldermen and proponents to deal with concerns.

In response to a question from Alderman Corsini, Sergio Manchia stated that the wall is limestone and cannot be moved. At present parts are deteriorating. There is a proposal however that parts of it could be incorporated into the entrance wall.

Alderman Copps questioned how we guarantee that the historical components remain intact to which Mr. Manchia stated that there are no legal assurances.

Following discussion, the Committee resolved that the adult lifestyle approach to the proposal be endorsed and that the application be tabled to the meeting of January 20, 1999 to allow neighbourhood residents, Ward Aldermen, staff and the proponents to work together and bring back a proposal to the Planning and Development Committee.

Alderman Copps asked the Committee to consider the LACAC submission.

Alderman D'Amico questioned why LACAC is being so reactive. Nina Chapple advised that since there was no threat to the building in previous years, the building wasn't designated because there was no desire by the Sisters to do so. She stated that there is a Provincial plaque on the estate and it is recognized as a historical site.

3. REFERRAL BACK FROM COUNCIL

SAR-98-04 and ZAC-98-34 for Lands South of Stone Church Road West and West of West Fifth Street

Alderman D'Amico advised that this is before the Committee in order to consider two submissions which were not previously considered.

The further submissions were received from the following:

- (a) Bill Tennant, 124 Stonechurch Road West, Hamilton, dated September 29, 1998
- (b) Bill Tennant, 124 Stonechurch Road West, Hamilton, dated October 26, 1998

The Committee secretary stated that there has been an inadvertent omission in section 9.

The Committee approved the recommendation of the Director of Planning and Development as amended and recommended to Council as follows:

That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010), Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "B", subject to the following conditions:

- (i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "C"; and,
- (ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
- (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
- (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
- (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

- (vi) That the owner provide the City of Hamilton with a certified lot showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

“Purchasers are advised that noise levels originating from Stone Church Road West and West 5th Street may become of concern, occasionally interfering with some activities of the occupant.”; and,

- (x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court “B” to the satisfaction of the Commissioner, Regional Transportation Department; and,
- (xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic; and,
- (xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic; and,
- (xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court “B” to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,
- (xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:
 - (1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,
 - (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of

construction; and,

- (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
 - (xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
 - (xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands; and,
 - (xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth; and,
 - (xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
 - (xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton; and,
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.
- B. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,
 - (c) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (d) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
 - (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

4. DELEGATION – Mary Pocius

Mary Pocius advised that with capping of the tax rebates at 10, 5 and 5 %, any hope of financial relief has vanished for the business owners in the downtown core. Therefore there will be no re-investment. On behalf of the International Village members she requested that pro-active enforcement on vacant properties continue, but not for those which are occupied and that this should apply to all of the downtown.

Len King stated that there are not many buildings requiring attention in the downtown core. He stated that he requires direction from the Committee to slow down enforcement.

Alderman Corsini concurred with Ms. Pocius and especially that enforcement should apply to vacant buildings such as the Lister Block.

Alderman Horwath was concerned that occupied buildings which have infractions that pose a hazard should be made a priority.

Mr. King advised that the normal policy is to enforce on a complaint basis. If a building is found to be unsafe then the Building Department acts quickly.

Alderman Caplan said that the Committee should be concerned with differentiating between types of buildings.

The Committee determined that they would not wish to pass a resolution to be forwarded to Council but directed Mr. King to be lenient with property owners in light of the aforementioned discussions.

The Committee moved to receive the delegation as information.

5. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Proposed Draft Plan of Condominium – Condominium Conversion, 101 Queen Street South (CDM-CONV-98-012)

Keith Extance explained that it is a 47 one-bedroom apartment unit with two vacant units. When the application was received, the new Condo Policy was not in effect. The vacancy rate in the downtown area is 4.25%. The average market rents are above that within its zone and the City of Hamilton.

Thirteen questionnaire surveys have been returned. Mixed answers have been received from the residents, however the majority wishes to remain as rental status. The Planning Department therefore recommends approval.

As recommended in a report from the Director of Planning and Development dated 1998 November 19, the Committee recommended to Council as follows:

- (a) That approval be granted to application CDM-CONV-98-012 (Regional File 25CDM-98017) submitted by Oak V Properties Incorporated, owner, for a draft plan of condominium for property located at No. 101 Queen Street South, as shown on the attached Plans marked as Appendix "D" and "E", to provide for a condominium comprised of 47 individual apartment condominium units, subject to the following conditions:
 - (i) That this approval applies to the attached draft plans as revised in red dated September 3, 1998 and November 4, 1998 (Appendix "D" and "E") prepared by A.J. Clarke and Associates Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of

approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the Corporate Counsel; and,

(iii) That prior to approval of the final plan:

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the non-conforming parking situation pertaining to a reduced width access door for the second level parking garage, reduced parking space widths in the second level parking garage, reduced parking space lengths in the basement level parking garage and reduced manoeuvring space, and,

(3) the owner enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the card/key reader for the underground parking garage, the concrete retaining walls adjacent to the underground parking ramp and the concrete sidewalk on the north side of the property; and,

(b) That the Municipal Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

6. CORRESPONDENCE

**Manfred Rudolph, Turkstra Mazza Associates re:
260-280 King Street East, Demolition Permit**

Mr. Manfred Rudolph of Turkstra Mazza Associates, was present. He stated that the request is with regard to a demolition permit for 260-280 King Street East, a proposed 90-unit condo project by the Spallacci Brothers.

Mr. Rudolph advised that Council approved the demolition permit with conditions. He submitted to the Committee that the developer is solid and established and that market forces will dictate when this project will proceed. He recommended that the Committee recommend that a building permit be received for a show model unit, and that a site plan be submitted and that this be sufficient. He also suggested that the statutory maximum being imposed is inappropriate.

Alderman Caplan stated that the building is presently an eyesore. He suggested that the proponent and staff determine what the site will look like if the building is demolished. It should be landscaped and maintained with green space.

The Committee concurred that they want a site at the location better than what is presently there now.

Following discussion, the Committee tabled the request to a meeting to be held 1998 December 8 in order that staff and the proponent can negotiate and that the Building Commissioner report back

5. DIRECTOR OF PLANNING AND DEVELOPMENT (continued)

(b) Request for Parkland Credit – Starward Homes

(i) Request to Appear as Delegation: Terri Johns, A.J. Clarke

Mary Lou Tanner stated that the property in question is at Scenic Drive and Sanatorium Road and that the pond was required by the Province. She stated that the design was created and presented as a park-like setting but that the design of the pond is functional and addresses many concerns.

There is a question with regard to dedication of land to the City. Ms. Tanner stated that this is the first pond constructed in the City.

Staff was advised that parkland credit was not appropriate because of the pond's utility and use as a sewage system and because it is replacing an engineering function. The pond is not used for recreation. Ms. Tanner distributed photos of examples of ponds in other areas.

Mr. Campbell, Mr. Shaw and Terri Johns, A.J. Clarke and Associates, were present.

Mr. Campbell stated that he is a third-generation developer with Starward Homes, since 1906. He distributed a presentation to the Committee. He stated that the pond does not replace the storm sewers but is a cleaning device. He stated that he feels the area to be an environmental area. He also suggested that parkland dedication for a passive park including the pond is not something new.

With regard to the fence, he stated that the City insisted that it be installed and it is usual practice that the City pays for 50%. In this case the developer has paid for 100% of the fence. He stated that he is not asking for 100% of the parkland dedication but that if this reversed that they do not necessarily require cash but can take a credit on the parkland.

It was suggested that the Committee reverse the 5% charge for parkland dedication, that the Committee pay the cost for ½ of the fence and that the City set up a Policy Committee to establish a Policy for circumstances where ponds are created.

Alderman D'Amico stated that the pond functions well and is a compliment to the area.

Alderman Caplan felt that the Policy that we do not accept the pond as a parkland is appropriate but in this case there are mitigating circumstances.

Eugene Chajka stated that the pond was a requirement for environmental issues. Originally it was to be smaller, but it was extremely steep and unsafe and therefore, in the final analysis, the pond was made larger with a grade which was less steep. He stated that making the pond larger was not an embellishment, it was the environmental design required to make it work.

Alderman Eisenberger stated that the issue of the 5% land dedicated charge for the pond needs to be reviewed and also the broader issue with regard to policy for ponds in general. Are ponds to be made functionally correct and/or are they to be made aesthetically pleasing?

Following discussion, the Committee tabled the matter to the first meeting in February, 1999 in order that a policy could be established.

7. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held November 18 were adopted as presented.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) International Village Business Improvement Area Revised Board of Management, dated 1998 November 20:

That Schedule 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

Paul Kircos,	223-225 King Street East (owner)
Marie Petrou	181 and 183 King Street East (owner)
Gord Thompson	186, 190, 191 King Street East (owner)
Wolfgang Schoen	255 King Street East (owner)
Joe Collura	227 King Street East, Hotelevision (tenant)
Dean Taylor	233 King Street East, Hudsons (tenant)
John S. Kenyon	239 King Street East, JSK Pawnbrokers (tenant)

(ii) International Village Business Improvement Area Proposed Budget and Schedule of Payments for 1999, dated 1998 November 20:

- (a) That the 1999 operating budget for the International Village B.I.A., attached as Appendix "F" be approved in the amount of fifty-four thousand dollars (\$54,000);
- (b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 1999 be approved:

January 01	\$27,000
July 01	\$27,000

NOTE: 1998 assessment appeals may be deducted from the 1999 levy payments.

C. BUILDING COMMISSIONER

(i) Demolition of 18 Hixon Street, dated 1998 November 17:

That the Building Commissioner be authorized to issue a demolition permit for 18 Hixon Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) Demolition of 62 Wentworth Street North, dated 1998 November 17:

That the Building Commissioner be authorized to issue a demolition permit for 62 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) Demolition of 64 Wentworth Street North, dated 1998 November 17:

That the Building Commissioner be authorized to issue a demolition permit for 64 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iv) Demolition of 50 Glassco Avenue South, dated 1998 November 17:

At the request of Alderman Copps, the Committee tabled this item.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Review of Landscape Regulations and Design Standards for Commercial Developments, dated 1998 November 23:

That staff be directed to schedule a Public Meeting for consideration of City Initiative CI-98-E, to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for landscaping and parking areas related to commercial developments, on the following basis:

- (a) That Section 18 of By-law No. 6593 be amended by adding the following new section:

Landscape Requirements for Commercial Uses

18(16) Notwithstanding any other provision of this By-law, the following shall apply to any commercial use:

- (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

(ii) Application to remove Part-Lot Control – Lots 1-15, Inclusive, Registered Plan 62-M-864, "Olmstead Park, Phase 1", dated 1998 November 4:

- (a) That approval be given to Part Lot Control Application 98-04, Paul Silvestri, owner, to remove part-lot control for Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, known municipally as 15 – 54 Marilyn Drive, inclusive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "G"; and,

- (b) That the appropriate By-law to remove part lot control from Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, be enacted by Council; and,
- (c) That the exempting By-law be restricted to a 1 year effective time period to expire on December 15, 1999; and,
- (d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Tivoli Theatre – Request for Designation as a National Nistoric Site, dated 1998 November 20:

That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the Tivoli Theatre, located at 108-112 James Street North, Hamilton, be evaluated for recognition as a National Historic Site.

F. SECRETARY, SELECTION COMMITTEE

Appointment of Members to the Local Architectural Conservation Advisory Committee, dated 1998 November 23:

That the following citizen members be appointed to serve on the Local Architectural Conservation Authority Advisory Committee for a term to expire 2001 November 30:

Jerry Chlebowski
Reginald Wheeler

G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee approved the previously received information items as follows:

- (a) Secretary, LACAC re: Minutes of the Meeting held 1998 October 19, dated November 20, 1998.
- (b) Director of Planning and Development re: Hamilton Community Correctional Centre-Proposed Location, dated November 20, 1998.

8. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned into closed session to hear an added report regarding a property matter and reconvened immediately with the following report:

- (a) (i) That an Agreement by Owner to Accept Compensation to be executed by A.S.A.P. Holdings Ltd., and scheduled to close on or before 1998 December 22, for the lands situated in the City of Hamilton, being composed of part Lot 14 on Registrar's Compiled Plan No. 1391, designated as Part 5 on Reference Plan 62R-14129, having a frontage of 8.546 metres (28.0 feet) along the southern limit of King Street East, and a depth of 80.80 metres (265.11

feet), designated as 248 King Street East, Hamilton, be approved and completed for the price of \$295,750; and,

- (ii) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City/Regional Solicitor; and,
- (b) (i) That an Option to Purchase to be executed by Lewis Energy Management Inc., and scheduled to close on or before 1998 December 22, for the lands situated in the City of Hamilton, being composed of part of Lot 13 on Registrar's Compiled Plan No. 1391, having a frontage of 10.668 metres (35.0 feet) along the southern limit of King Street East, and a depth of 59.04 metres (193.71 feet), designated as 244 King Street East, Hamilton, be approved and completed for the purchase price of \$300,000; and,
- (ii) That the Option to Purchase be approved subject to the following conditions:
 - (1) (aa) It is understood and agreed that the closing of this transaction be conditional upon the City of Hamilton successfully acquiring from A.S.A.P. Holdings Ltd. the property located at 248 King Street East, Hamilton, described as part of Lot 14 on Registrar's Plan 1391, such closing to occur contemporaneously with the closing of the subject property at 244 King Street East; and,
 - (2) (bb) In the event that the City is not successful in the completion of the transactions set out in paragraph (a)(i), the herein Agreement shall be terminated and the deposit shall immediately be returned to the City without interest or deduction; and,
- (iii) That the Mayor and Municipal Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City/Regional Solicitor.

9. OTHER BUSINESS

- (a) The Committee resolved that staff be directed to review the radial separation distance requirement for residential care facilities and short-term care facilities and that a report be brought back to the Planning and Development Committee.
- (b) The Committee resolved that staff be directed to review the possibility of deleting detention centres as permitted uses in the "H" Districts.
- (c) Alderman Copps moved that a letter be sent to the Historical Boards and Monuments of Canada with regard to Auchmar House. There was no seconder for this motion.

10. ADJOURNMENT

There being no further business, the meeting adjourned.

Taken as read and approved.

Alderman F. D'Amico
Chairperson

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in Section 1
of the Planning and Development
Committee minutes for the meeting held
1998 December 2



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of Application

Reference File:

ZAB-98-39

Scale

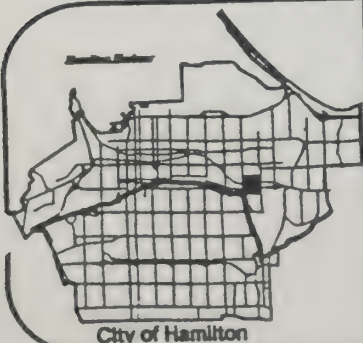
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Date

October, 1998

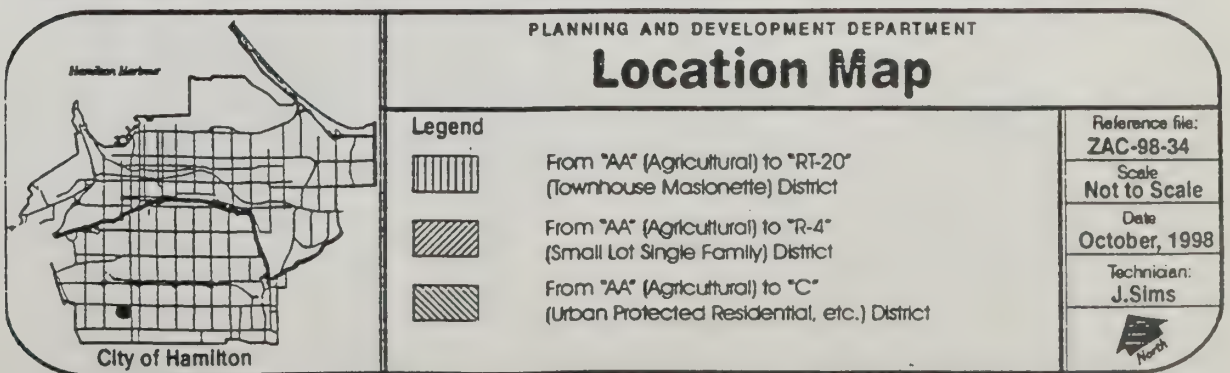
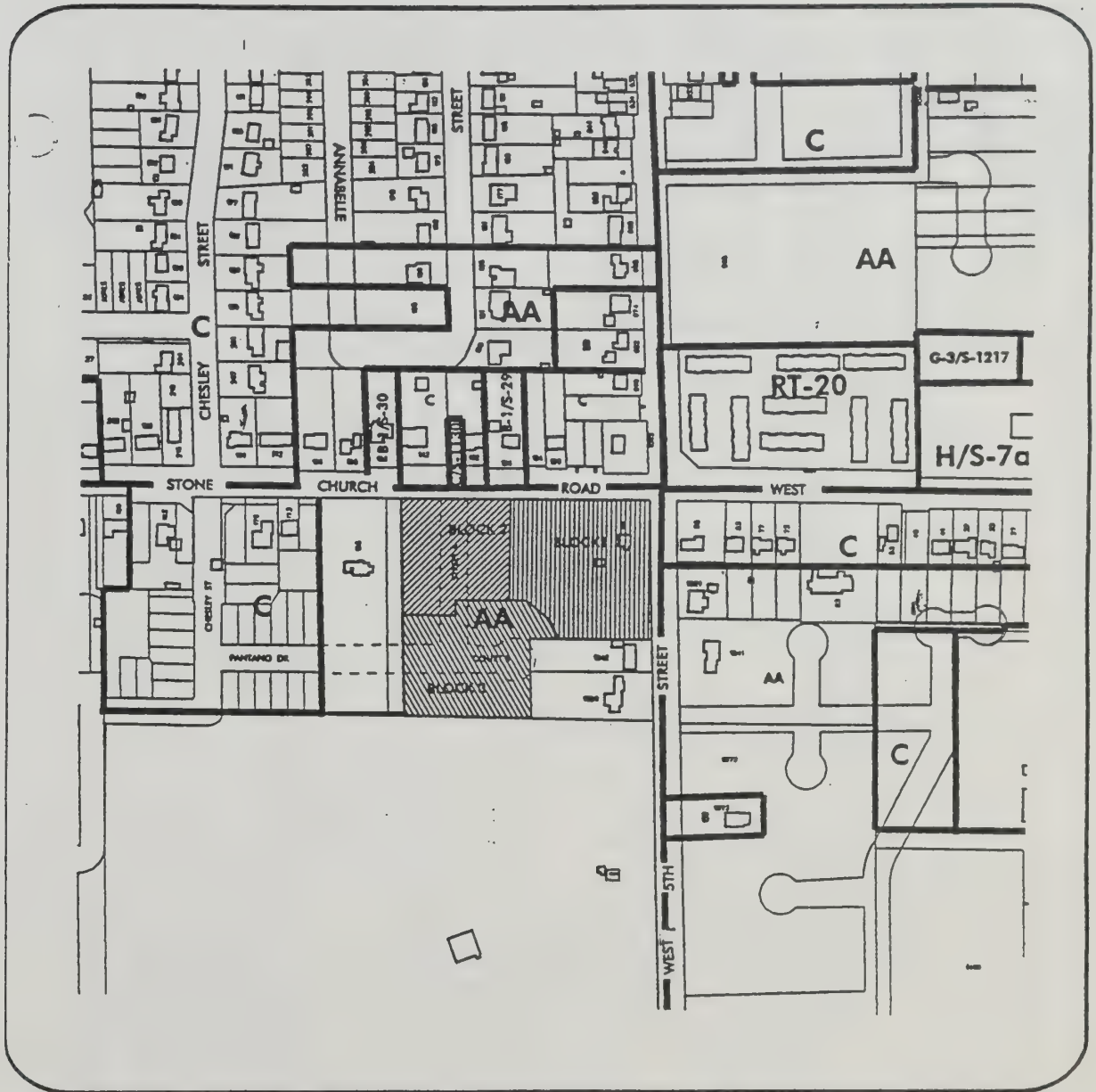
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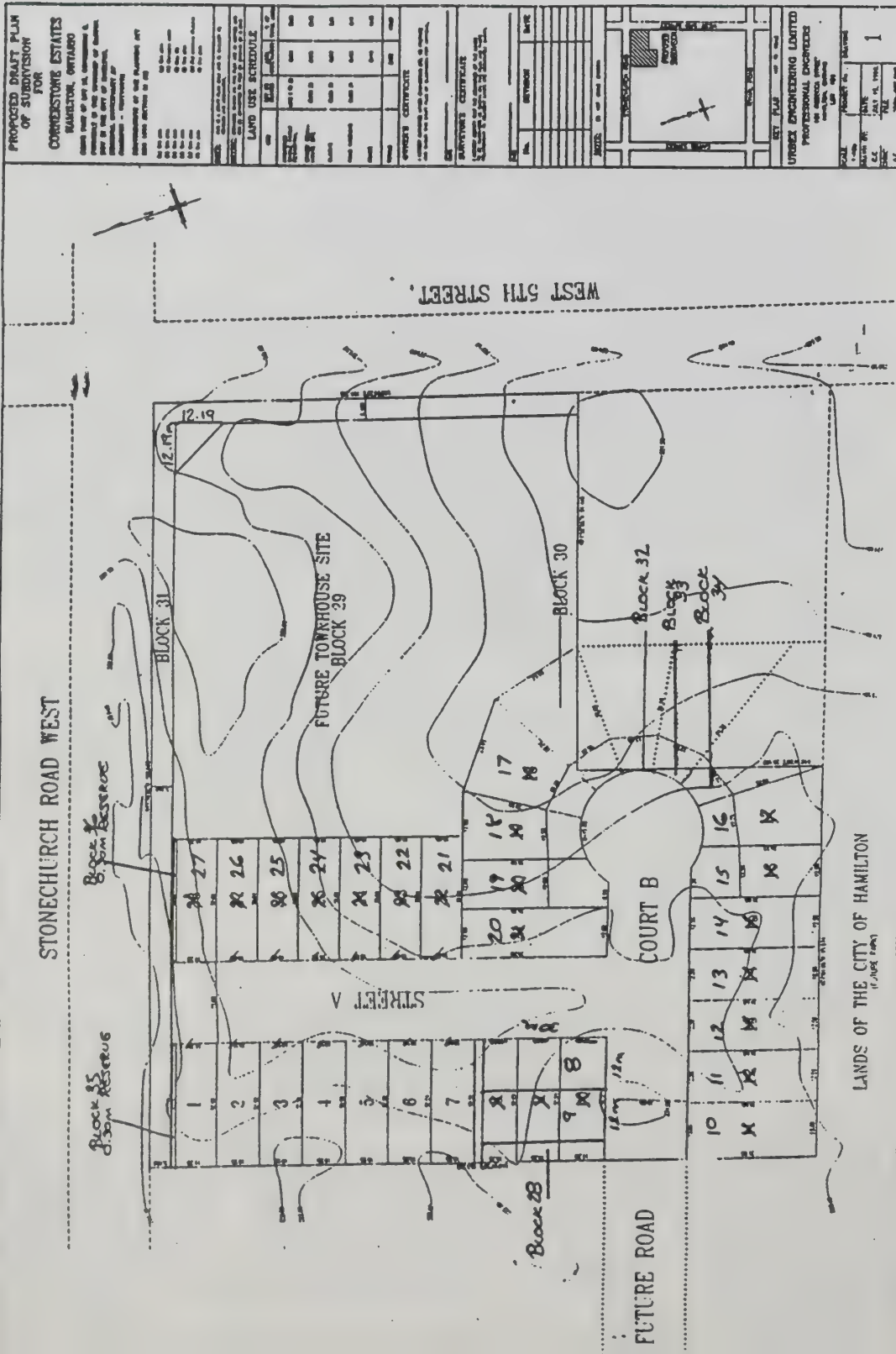


City of Hamilton

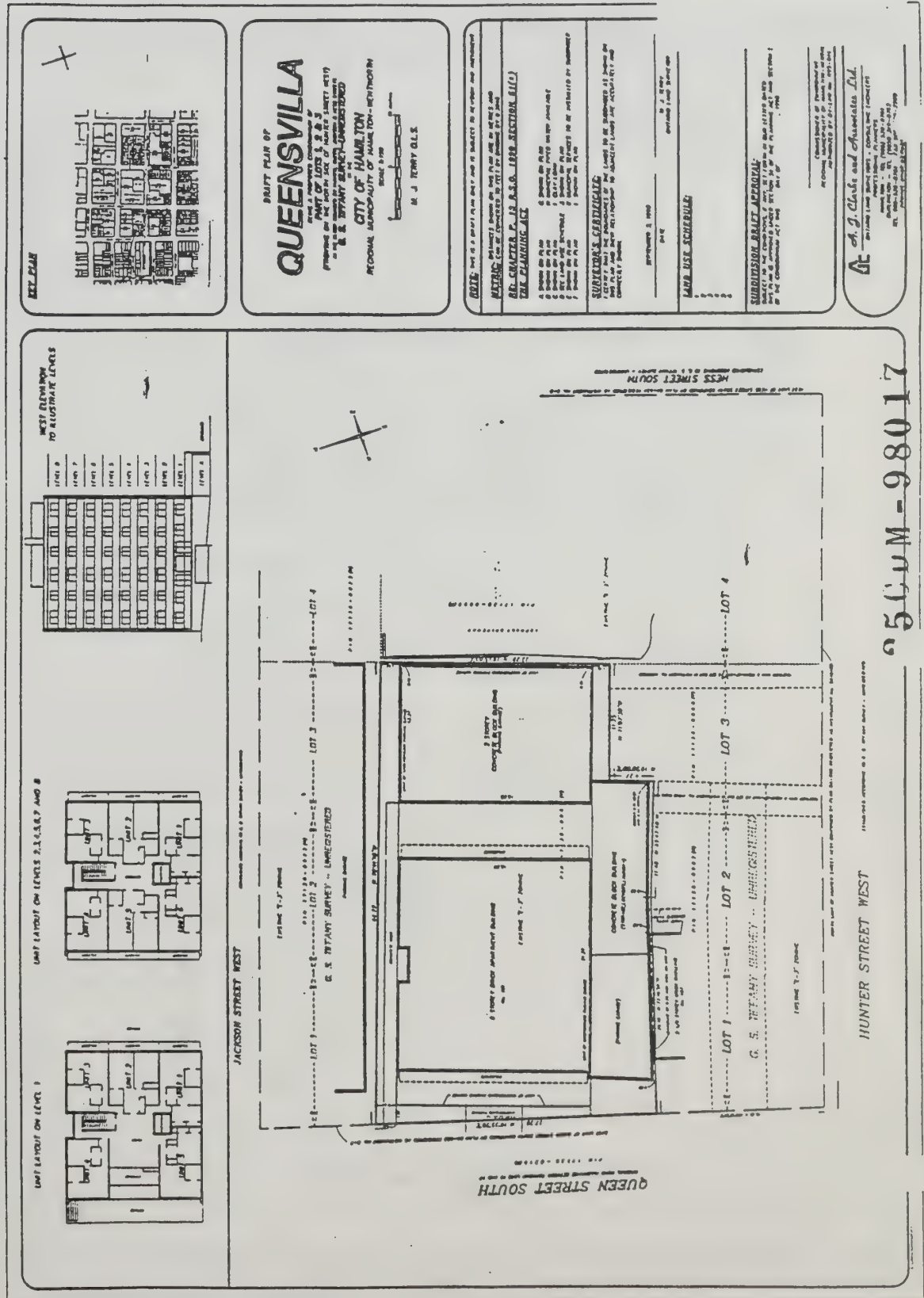
Appendix "B" as referred to in Section 3
of the Planning and Development
Committee minutes for the meeting held
1998 December 2



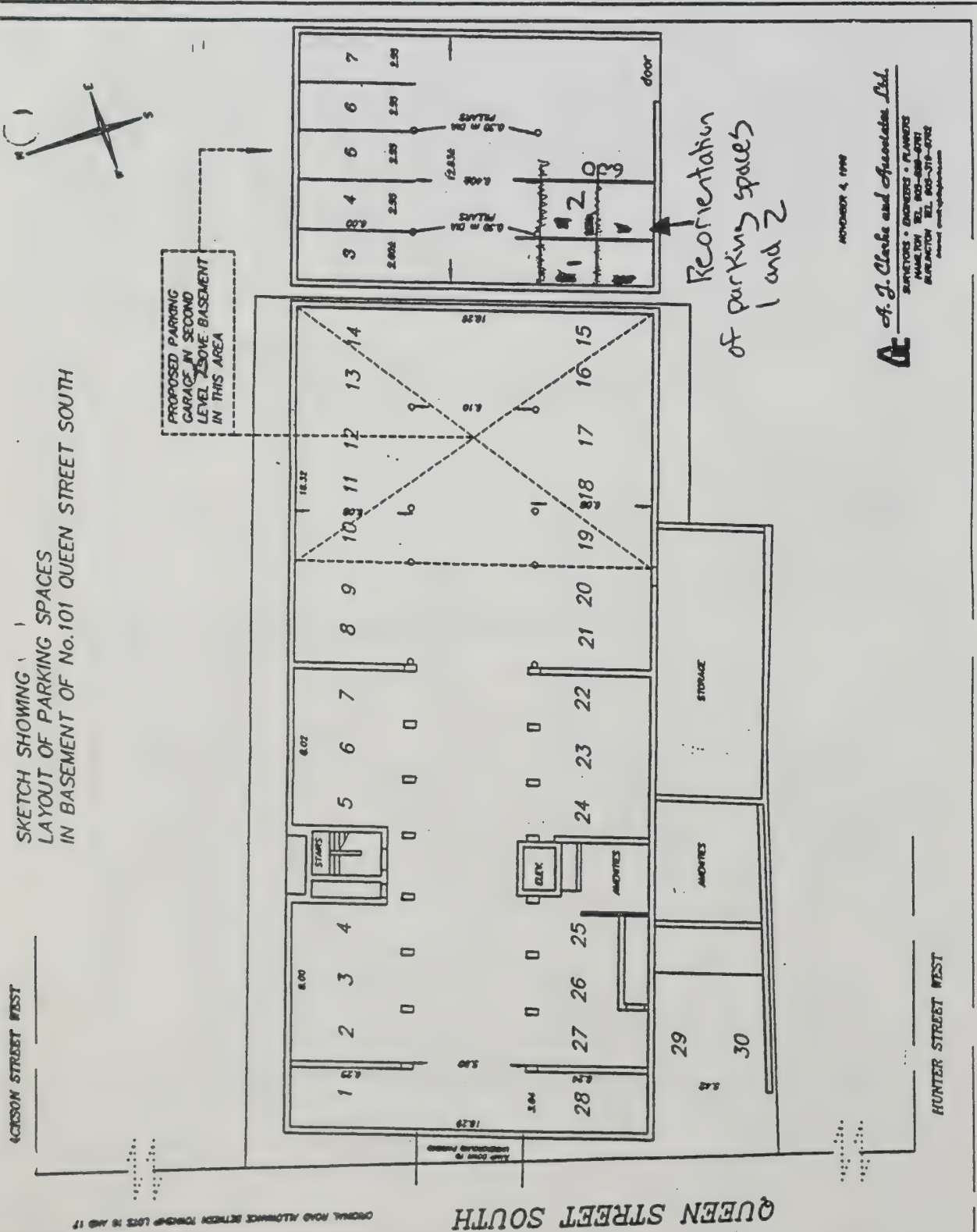
Appendix "C" as referred to in Section 3(i)
And 3B of the Planning and Development
Committee minutes for the meeting held
1998 December 2



Appendix "D" as referred to in Section 5(a)
of the Planning and Development
Committee minutes for the meeting held
1998 December 2



Appendix "E" as referred to in Section 5(a)
of the Planning and Development
Committee minutes for the meeting held
1998 December 2



NOVEMBER 4, 1998

A. J. Clarke and Associates Ltd.
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HUNTER STREET WEST

QUEEN STREET SOUTH

SKETCH SHOWING
LAYOUT OF PARKING SPACES
IN BASEMENT OF No. 101 QUEEN STREET SOUTH

CLINSON STREET WEST

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 16 AND 17

Appendix "F" as referred to in Section 7B(ii)
of the Planning and Development
Committee minutes for the meeting held
1998 December 2

~~Municipal~~
INTERNATIONAL
Village

King Street East
between Wellington
and Mary

Approved Operating Budget 1999

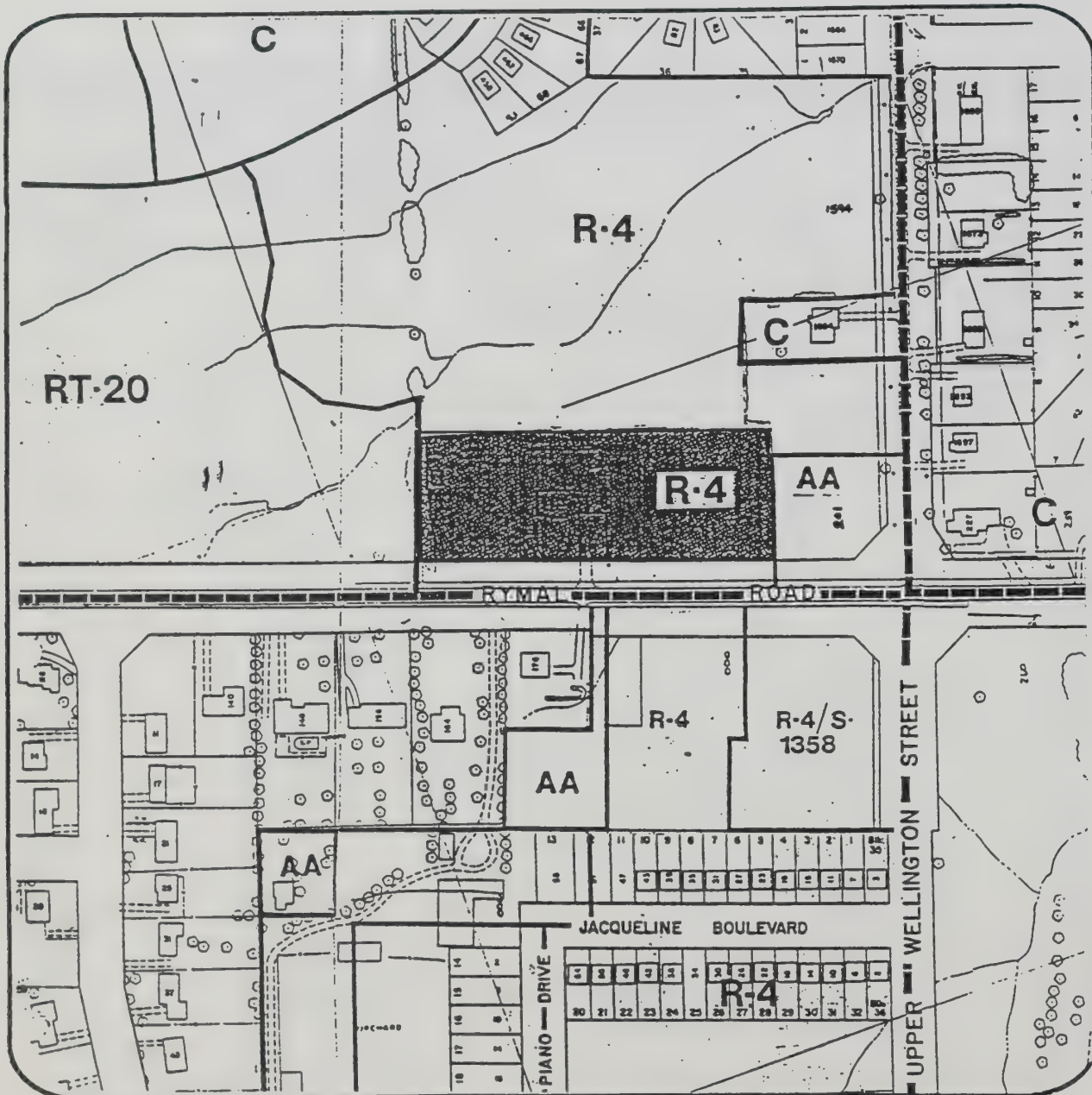
OPERATIONS:

Rent	\$2,000.00	
Utilities	2,300.00	
Telephone/FAX	2,000.00	
Office Supplies	1,500.00	
Equipment Repair	500.00	
Bank Charges	<u>250.00</u>	\$8,550.00

WAGES:

Executive Director	\$30,000.00	
Wage Costs	<u>3,300.00</u>	\$33,000.00
Insurance	\$1,400.00	
Audit Fees	400.00	
Printing, Postage	2,000.00	
Advertising, Promotion	<u>5,000.00</u>	\$8,800.00
Contingency Fund		<u>\$3,650.00</u>
TOTAL BUDGET		\$54,000.00

Appendix "G" as referred to in Section 7D(ii)(a)
of the Planning and Development
Committee minutes for the meeting held
1998 December 2



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of the Application

Reference
PLC-98-04

Scale
Not to Scale

Date
November 1998

Technician
FAB



City of Hamilton

Tuesday, 1998 December 8
Room 233, City Hall
6:00 o'clock p.m.

The Planning and Development Committee met in Special Session.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters

A (iii)

Regrets: Mayor R. Morrow, Civic Business

Also present: Alderman M. Kiss
Alderman D. O'Sullivan
Alderman A. Horwath
Doug Lychak, City Manager
Joe Schatz, Municipal Clerk
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Hart Solomon, Manager, Traffic Engineering & Operations
Terry Whitehead, Mayor's Executive Assistant
Art Zuidema, Law Office
Eugene Chajka, Regional Environment Department
Geoff Aston, Regional Environment Department
Len King, Building Commissioner
Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. Subdivision Application 98-05 by 822827 Ontario Inc., (A. DiSilvestro, President) Owner, for Property Located at 1620 Upper Wentworth Street.

The applicant was present

Paul Mallard gave a brief introduction of the application before the Committee.

As recommended in a report from the Director of Planning and Development dated 1998 November 26, the Committee recommended to Council as follows:

- (a) That approval be given to Subdivision Application 98-05, (Regional File No. 25T-98012) , 822827 Ontario Inc. (A. DiSilvestro, president), owner to establish a draft plan of subdivision "Wentwall Estates", on lands located west of Upper Wentworth Street and north of Rymal Road East, known municipally as 1620 Upper Wentworth Street in the Barnstown Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:
 - (i) That this approval apply to the plan, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated

September 10, 1998, as revised in red, showing 35 lots for street townhouses, 2 blocks being 0.30 m reserves and 1 street identified as Street "A", attached as Appendix "B"; and,

- (ii) That Street "A" be named from the list of reserved street names for the City of Hamilton to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
- (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
- (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
- (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
- (viii) That the Owner prepare and submit to the satisfaction of the Director of Planning and Development, the Commissioner of Transportation and the Commissioner of Public Works and Traffic the following plans:
 - (1) A building envelope plan showing the building envelopes and on-site parking areas. A minimum 7.0 m front yard setback will be required; and,
 - (2) A driveway location plan indicating the driveways to each individual lot. The driveways must not overlap and should be located in a manner to maximize on-street parking; and,
- (ix) That the Owner agree to register on title for each individual Lot within the plan of subdivision the following covenants to the satisfaction of the Director of Planning and Development, the Commissioner of Transportation, the Commissioner of Public Works and Traffic and the City Solicitor:
 - (1) a covenant showing the approved on-site parking; and,
 - (2) a covenant showing the approved driveway locations; and,
- (x) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers are advised that noise levels originating from Upper Wentworth Street may become of concern, occasionally interfering with some activities of the occupant."; and,

- (xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (xii) That the centreline of Street "A" at Upper Wentworth Street must align centreline to centreline with the access to the plaza on the east side of Upper Wentworth Street; and,
- (xiii) That a minimum 4.0 m by 4.0 m daylight triangle at the L-shape bend in Street "A" be provided; and,
- (xiv) That 1m by 1m daylight triangles at the Street "A" and Upper Wentworth Street be provided; and,
- (xv) That a minimum 10m radius transitions into and out of the cul-de-sac bulb be provided; and,
- (xvi) That the submitted draft plan be revised to show the Street "A" road alignment with the 18.0 metre road allowance to the satisfaction of the Commissioner of Transportation and the Manager, Development Engineering Section, Regional Environment Department; and,
- (xvii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:
 - (1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,
 - (3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
- (xviii) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
- (xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,

- (xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton, prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98012), "Wentwall Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision; and,
- (d) That the approved Barnstown Neighbourhood Plan be amended to redesignate the subject lands from "Medium Density Apartments" to "Attached Housing" and to add the proposed local street in accordance with the proposed plan of subdivision "Wentwall Estates", and that a notation be shown on the Neighbourhood Plan identifying the subject lands as requiring increase front yard setbacks from 6.0 m to 7.0 m.
- (e) That through the Site Plan Control review process the owner of the subject lands be required to provide a front yard setback of 7.0 m to ensure that the same off-street parking areas are available to residents which would normally have been available with a 20.0 m road allowance.

2. Zoning Application 98-24 and Official Plan Amendment Application by Jomar Development Corporation, Owner, for Property Located at 723 Rymal Road West

Submissions were received from the following:

- (a) Nicholsons, 93 Hawkswood Trail, Hamilton
- (b) John and Shari Van Groningen, 19 Falconridge Drive, Hamilton
- (c) Richard and Janet Meleski, 64 Falconridge Drive, Hamilton
- (d) Chris and Daniela Gollob, 34 Falconridge Drive, Hamilton
- (e) Mr. & Mrs. Okimi, Kaleigh and Dustin, 15 Hawkswood Trail, Hamilton
- (f) Tom Leyland, 74 Falconridge Drive, Hamilton

Paul Mallard stated that the application is a request for an OPA to permit the establishment of community and a residential care access centre and condominiums. He stated that the existing dwelling house is proposed to be retained as a restaurant facility. It will be restricted to no take-out or drive-thru. Access will be from Rymal Road. There will be 91 parking spaces. The applicant will attempt to save much of the vegetation. The Regional Environment Department however recommends access from Falconridge Drive.

The proposed townhouse development will not generate much traffic. Staff recommend that the application be denied on the townhouses but approved for the residential care facility. Development is subject to site plan approval, therefore staff supports the approval as amended.

Joe Kutlesa, was present on behalf of Jomar Development.

Carmen Rizzotto, president of the Highridge South Community Association, was present. He stated that they do not agree with opening up the cul-de-sac at Falconridge Drive. He stated that the development was agreeable to the developer, residents and staff at the public meeting and they do not want this changed.

John Maylor (??), 54 Hoopershawk Crescent, Hamilton, was present. He concurred with Mr. Rizzotto.

Henry Skiltie, 160 Saul Road, Hamilton, was present. He also concurred with Mr. Rizzotto.

Henry Schilthuis, on behalf of the United Reformed Church, was present. He stated that they would like to see Falconridge go through as planned to Glancaster Road and he is therefore in favour of the amendment to extend Falconridge. This is based on the fact that the Church owns property south of the proposal and this will generate traffic.

Rosemary Sutherland, 59 Falconridge Drive, Hamilton, was present. She concurred with Mr. Rizzotto and was opposed to the proposal to open the cul-de-sac.

Mrs. Kamstanty, 78 Falconridge Drive, Hamilton, was present and was also opposed to the opening of the cul-de-sac and concurred with Mr. Rizzotto.

Mr. Kutlesa Stated that they neighbourhood meeting was held St. Thomas Moore High School and the developers are standing by their original proposal that Falconridge be a cul-de-sac.

Alderman O'Sullivan stated that the best way to go is to phase the approvals and not proceed piecemeal.

Alderman D'Amico stated that the staff recommendation flies in the face of the Ward Aldermen and residents. He stated that this facility would greatly benefit the area. The doctors would be affiliated with St. Joseph's Hospital and can visit their patients there. He supports the proposal and also the concerns of the residents.

Alderman Charters stated that if approved as is, the proponents and staff can negotiate further on the configuration of Falconridge.

Following discussion, the Committee resolved that the application be tabled.

3. BUILDING COMMISSIONER

260-280 King Street East, Demolition Permit

Len King gave a brief synopsis of the situation with the demolition permit at this location.

Mr. Manfred Rudolf of Turkstra Mazza Associates, Lawyers, was present.

Alderman Charters stated that we do not want to see empty spaces. We want the location to be ameliorated. He does not want blight in the downtown core. He suggested that the sales office and the model suite be temporary to which Mr. Rudolf suggested that the legislative tools do not allow that to occur.

A discussion ensued with regard to the vacant buildings in the downtown area.

Following discussion, the Committee resolved that the recommendation of the Building Commissioner dated 1998 December 8 be recommended to Council as amended as follows:

- (a) That subject to subsection (b) below, that the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 260-280 King Street East, in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,

- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 260-280 King Street East subject to the following conditions:
- (i) the applicant has applied for and received a building permit for a sales office and model suite having a minimum area of 2,000 sq. ft.; and,
 - (ii) the said building permit specifies that the sales office and model suite be erected within two years of the demolition of the existing building on this property; and
 - (iii) the said building permit for the sales office and model suite specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$15,000; and,
 - (iv) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,
 - (v) if the said sales office and model suite is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid; and,
- (c) That Section (2) of the 1st Report of the Planning and Development Committee adopted by Council 1997 December 11, be rescinded.

4. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned into closed session and reconvened immediately thereafter with the following report:

CORPORATE COUNSEL

By-law 98-294 (Windermere Basin)

- (a) That Corporate Counsel be requested to prepare a by-law to repeal City of Hamilton By-law No. 98-294 (By-law of Adoption for Hamilton O.P.A. No. 157); and,
- (b) That Corporate Counsel be requested to prepare a by-law to repeal City of Hamilton By-law No. 98-295 (By-law Respecting Lands Located West of Eastport Drive, South of Pier 25 Known as Windermere Basin).

5. ADJOURNMENT

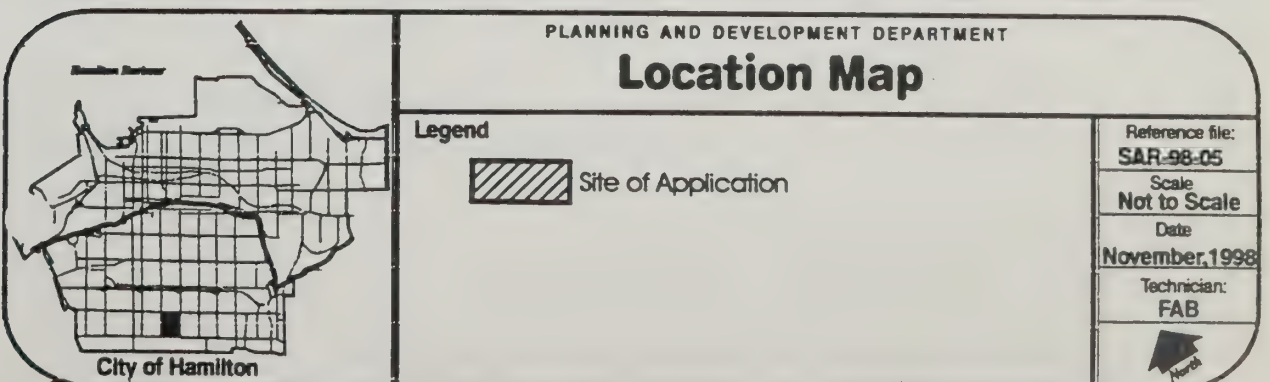
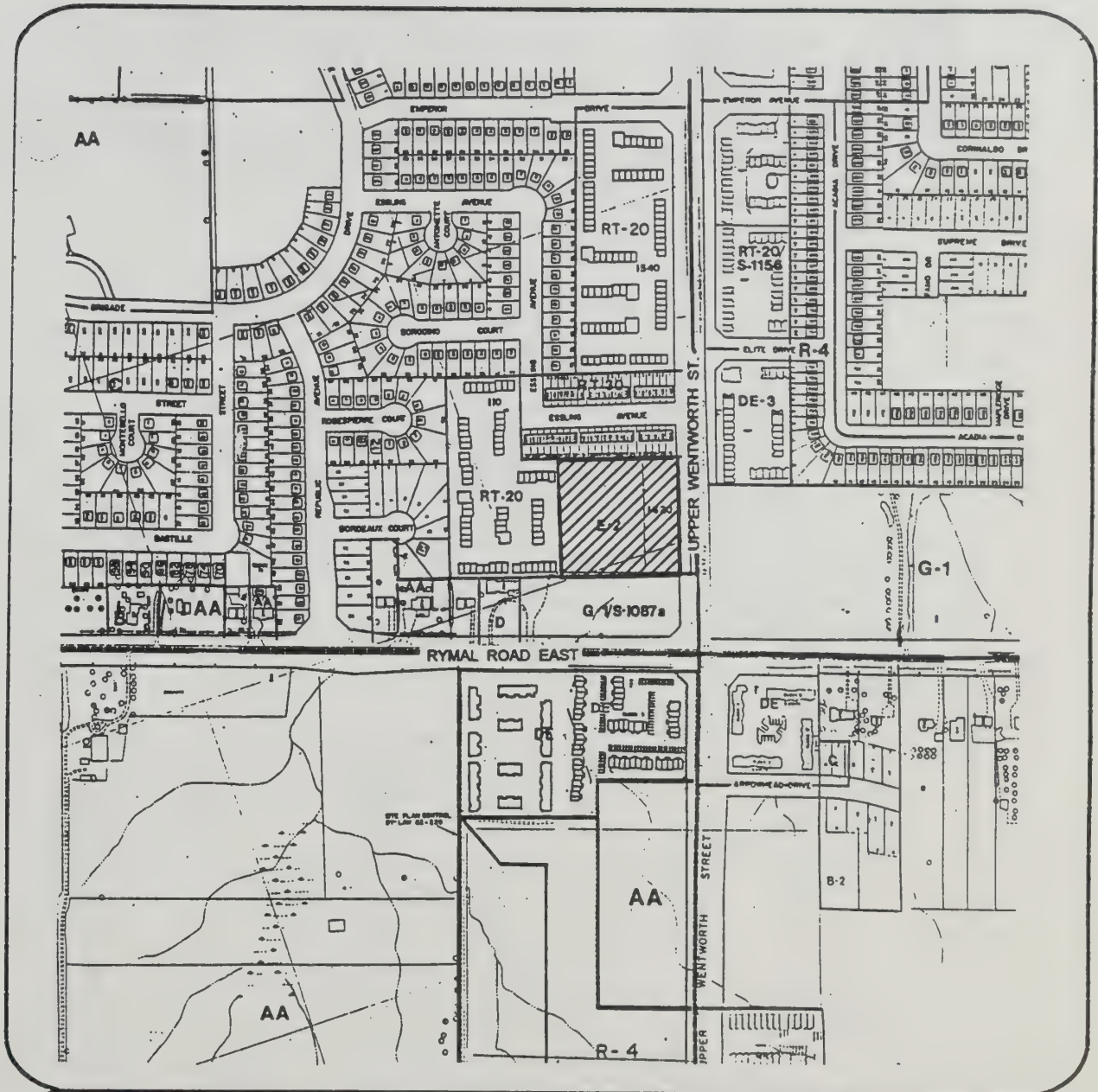
There being no further business, the meeting then adjourned.

Taken as read and approved.

Alderman F. D'Amico
Chairperson

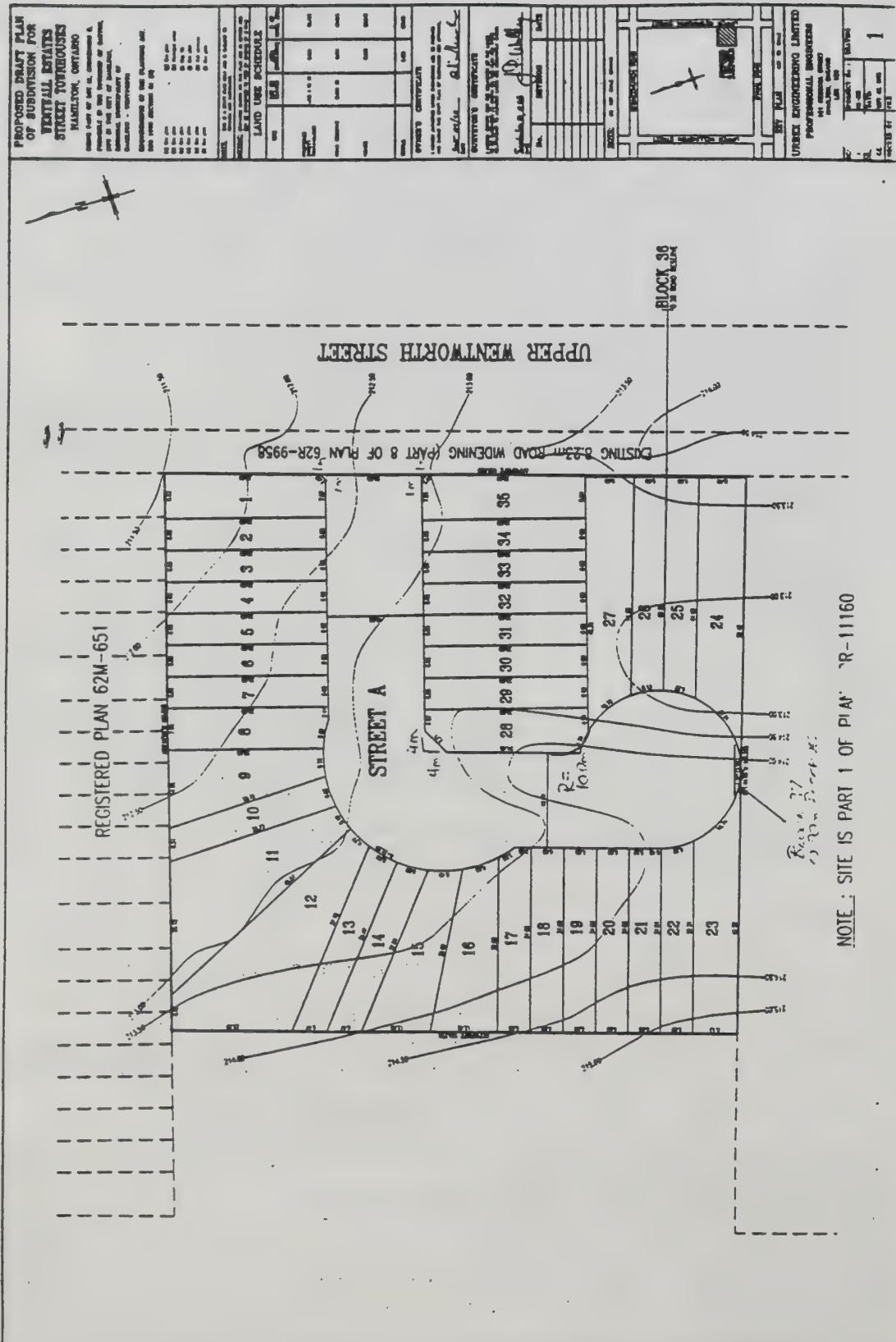
T. Agnello
Secretary
/jt

Appendix "A" as referred to in Section 1(a)
of the Planning and Development
Committee minutes for the meeting held
1998 December 8



Appendix "B" as referred to in Section 1(a)(i)
of the Planning and Development
Committee minutes for the meeting held
1998 December 8

25T-98012



CITY OF HAMILTON

BC(i)

- RECOMMENDATION -

DATE: 1998 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) –
Revised Board of Management.

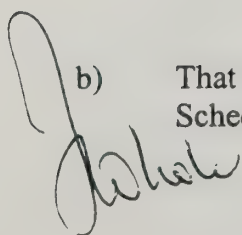
RECOMMENDATION:

- a) That Schedule 'B' of By-law No. 87-308, as amended, appointing the Barton Village B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

D. Boukhers	Farah's Foodmart
J. Hendry	Hendry's Family Shoes
S. Manners	Siemens Westinghouse Inc.
J. Hilger	Ways to Wisdom
J. Howard	Econ-o-wash Laundry
P. Nusca	Nusca Custom Tailers Ltd.
M. Tollis	Riviera Banquet Centre
N. LaSala	Nick's Auto Service
R. Palmese	Palmese Photodesign Group Inc.
K. Cody	Orthopaedic Services

- b) That the City/Regional Solicitor, Corporate Services, be directed to amend Schedule 'B' of By-law No. 87-308 pursuant to (1) above.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Barton Village B.I.A. recently requested that the by-law appointing its Board of Management be amended to reflect the resignation of 2 Board members. There remains 10 members on the Board, not including the Ward Aldermen, therefore the remaining number of members is not in contravention of the B.I.A's constitution.

DL:HM:hm

c.c. J. Howard, Chairman, Barton Village B.I.A.

L. Farr, Law Department

B(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 December 17

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) – Proposed
Budget and Schedule of Payments for 1999.

RECOMMENDATION:

1. That the 1999 operating budget for the Barton Village B.I.A. (attached as Appendix 'A') be approved in the amount of thirty thousand dollars (\$30,000);
2. That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (1) above; and,
3. That the following schedule of payments for 1999 be approved:

January 01	\$7,500
March 01	\$7,500
June 01	\$7,500
September 01	\$7,500



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$30,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

At its Annual General Meeting held 1998 December 16, the Barton Village B.I.A. adopted a 1999 operating budget of \$30,000.

The process followed to adopt the Barton Village B.I.A. 1999 budget was in accordance with the recent changes to the Municipal Act, Section 220. The most significant change to Section 220 is that property owners of commercial/industrial properties within a B.I.A. are now members of the B.I.A. regardless of whether or not they operate a business within the property. The above is due to the elimination of the former business occupancy tax and the fact that all municipal tax bills will take the form of property taxes and the B.I.A. levy is now deemed to be a tax on property and collected from property owners.

DL:HM:hm

c.c. John Howard, Chairman
Barton Village B.I.A.

Alan Ross, General Manager
Finance Department

Attn: Larry Friday, Supervisor of Tax Administration/Banking

**BARTON VILLAGE BUSINESS IMPROVEMENT AREA'S
APPROVED 1999 BUDGET**

<u>COMPONENTS</u>	<u>AMOUNT</u>
Wages	\$6,000
Insurance (General & Director's)	\$1,700
BIA Meetings (Food & Rental)	\$1,500
Audit Fee	\$ 350
Administration/office Expenses	\$1,100
Christmas Decoration Installation/Removal/Storage	\$1,500
Special Events	\$3,500
Business Development & Consultant Fees	\$8,850
Advertising	\$2,500
Contingency (20%)	\$3,000
<i>TOTAL</i>	<i>\$30,000</i>

CITY OF HAMILTON

B(iii)

- RECOMMENDATION -

DATE: 1998 December 1

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Westdale Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payments for 1999

RECOMMENDATION:

- a) That the 1999 operating budget for the Westdale Village B.I.A. (attached as Appendix 'A') be approved in the amount of \$35,000; and,
- b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 1999 be approved:

January 01	\$11,000.
March 01	\$ 8,000.
June 01	\$ 8,000.
September 01	\$ 8,000.

NOTE: 1998 assessment appeals may be deducted from the 1999 levy payments.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$35,000. is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1998 November 25, the Westdale Village B.I.A. adopted a 1999 operating budget of \$35,000.

The process followed to adopt the Westdale Village B.I.A. 1999 budget was in accordance with the recent changes to the Municipal Act, Section 220. The most significant change to Section 220 is that property owners of commercial/industrial properties within a B.I.A. are now members of the B.I.A. regardless of whether or not they operate a business within the property. The above is due the elimination of the former business occupancy tax and the fact that all municipal tax bills will take the form of property taxes and the B.I.A. levy is now deemed to be a tax on property and collected from property owners.

DL:JP: jp

c.c. Mary Beth Ledden, Chairman,
Westdale Village B.I.A.

Alan Ross, General Manager
Finance Department

Att: Larry Friday, Supervisor of Tax Administration/Banking

WESTDALE VILLAGE B.I.A.

APPROVED OPERATING BUDGET 1999

FIXED EXPENSES

Rent	\$ 1,200.00
Insurance	\$ 1,600.00
Staff	\$ 5,200.00
Additional Staff	\$ 500.00
Board Expenses	\$ 1,200.00
Audit	\$ 350.00
Office Supplies	\$ 1,500.00
Annual General Meeting	\$ 400.00
Maintenance	\$ 1,500.00

CHRISTMAS

Joylites	\$ 3,000.00
Planters, trees, bows	\$ 2,000.00
Display lights	\$ 1,000.00
Holiday magic	\$ 1,500.00
Advertising	\$ 5,000.00

OTHER EVENTS

Race	\$ 5,000.00
Garage sale	\$ 1,146.38
Pumpkin Patch	\$ 2,672.54

TOTAL BUDGET FOR 1998 \$34,768.92

APPROVED OPERATING BUDGET FOR 1999 \$35,000.00

CITY OF HAMILTON

B(iv)

- RECOMMENDATION -

DATE: 1999 January 8

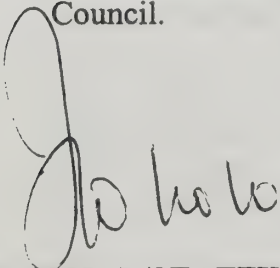
REPORT TO: Tina Agnello, Secretary
Planning & Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Public Works and Traffic Department, Community Renewal
Section, 1999-2008 Provisional Capital Budget.

RECOMMENDATION:

- a) That the attached capital projects from the Public Works and Traffic Department, , Community Renewal, included within the Parks Division and Streets and Sanitation Division, be considered for inclusion in the ten year 1999-2008 Provisional Capital Budget; and,
- b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

All development cost estimates have been prepared by the Public Works and Traffic Department. The annual current budget impact for each project is included with the capital budget submission.

From a legal perspective, all issues of a legal nature that may arise during the implementation of these development projects will be forwarded on an individual basis to the Planning and Development Committee for consideration.

There are no staffing positions proposed with these Public Works and Traffic Department's Capital Budget Projects.

BACKGROUND:

The following is a brief explanation of the 1999-2008 Capital Budget submission for Community Renewal, Public Works and Traffic Department (identified as Appendix 'A' attached). The projects have been incorporated into both the Parks Division and Streets and Sanitation Division of the Department depending on the nature of the work involved. The sequence of projects coincides with the rank number assigned in the Capital Budget Program Submission as determined by the Public Works and Traffic Department.

1. Ferguson Avenue Implementation – Pedestrian/Bicycle Link – Main to King Streets (within the Streets Division).

The Ferguson Avenue Master Plan was created through an intensive public participation process and approved by City Council at its meeting held 1996 October 29. The Plan establishes a continuous pedestrian/bicycle connection from the Escarpment to the Bay. The section between Main and King Streets is a pivotal component of the Plan and forms part of the downtown section. The recent acquisition of the former railway corridor between Main and King Streets allows the implementation of the Master Plan elements for this section which include: an overhead trellis that incorporates planting material and speciality lighting; planting of trees, street furniture, public art opportunities; a gateway and historical interpretative panels.

Total 1999 - \$580,000

2. Commercial Improvement Program – Phase II (within the Parks Division).

The Commercial Improvement Program funds the following components within the boundaries of Business Improvement Areas (B.I.A.'s): streetscape improvements on publicly owned lands, subsidization of public art (wall murals etc.) and, subsidization of comprehensive studies undertaken by B.I.A.'s which provide guidelines for future growth and development.

City Council at its meeting held 1997 September 30, approved Item Five of the Fourteenth Report of the Planning Development Committee which read "That the Business Improvement Area Co-ordinating Committee's request for Commercial Improvement Program funding, in the amount of \$315,000 which will result in the funding of \$15,000 per year, for each of the seven B.I.A.'s over the next three years, be referred to the Corporate Management Team with instructions that it be considered a priority in the 1998-2007 Capital Budget Deliberations". A submission was included for consideration by the Corporate Management Team, however the project was not recommended for implementation in 1998 but identified for implementation in 1999. Since that time an additional B.I.A. has been designated therefore the total amount has been increased to reflect the total for eight B.I.A.'s.

Total 1999 - \$120,000

Total 2000 - \$120,000

Total 2001 - \$120,000

3. Corktown Neighbourhood Plan Implementation – Phase I (within the Streets and Sanitation Division).

The Corktown Neighbourhood Plan was created through a public participation process resulting in a plan that identifies future land use, urban design, movement and amenity improvements in the form of goals and policies. City Council approved the Corktown Neighbourhood Plan at its meeting held 1997 October 28. This is the first phase of a two-phase project that will address the signage aspect of the Plan as well as the development of a link with Carter Park/Central Memorial Recreation Centre and existing and proposed trail networks.

An aesthetical and attractive neighbourhood fosters a better image of the City for local residents and potential investors. In particular, this downtown neighbourhood has undergone significant land use changes over the past 25 years and a cohesive and uniform aesthetic improvement program will act as a catalyst for further private sector initiatives.

Total 1999 - \$50,000

4. Corktown Neighbourhood Plan Implementation – Phase II (within the Streets and Sanitation Division).

This is the second phase of a two-phase project to further meet the objective of creating an attractive urban community within the Corktown Neighbourhood for the residents, visitors and potential investors as identified in the Corktown Neighbourhood Plan previously approved by City Council at its meeting held 1997 October 28. Phase Two will achieve the implementation of urban braille, streetscaping/screening and landscape improvements.

Total 2008 - \$2,500,000

5. Ferguson Avenue Implementation – Pedestrian/Bicycle Link – (within the Streets and Sanitation Division).

This incorporates the remainder of the Ferguson Avenue Master Plan approved by City Council at its meeting held 1996 October 29. Phase One (between Barton and Cannon Streets) was implemented in 1996/97. Phase Two (between King and King William Streets) is partially implemented with completion targeted for Spring '99. Phase Three (between Main and King Streets) is being put forward for consideration of implementation in 1999. The implementation of the final stages will complete all remaining phases of the continuous connection between the Escarpment, the Downtown and the Bay.

Total 2008 - \$3,121,000

6. Commercial Improvement Program – Phase III (within the Parks Division)

The objective of the Program is to finance streetscape improvements on publicly owned lands, subsidize public art (wall murals) and, subsidize comprehensive studies undertaken by B.I.A.'s that provide guidelines for future growth and development. Items that have been implemented utilizing monies from Phase I of the Program include: benches, planters, banners, speciality lighting, alleyway lighting, sidewalk widening, speciality paving.

The implementation of this program will demonstrate the City's support of B.I.A.'s and help spur the economic vitality of the areas. Physical improvements together with the synergy created through business development strategies of B.I.A.'s will benefit the businesses through creating a more viable business area and the public through improved quality of life within their neighbourhoods.

Total 2008 - \$2,500,000

7. Neighbourhood Revitalization Projects (within Parks Division)

Previously subsidized through the Province of Ontario, the most recent neighbourhood revitalization project has been covered utilizing 100% municipal monies (Crown Point East/McAnulty Phase One).

Neighbourhoods are identified through the Parks Staff Committee on a needs basis. Existing Infrastructure, incompatible land uses and the amount of park space within the areas are reviewed to determine the areas of prioritization. Recommendations are then channelled through the Parks and Recreation Committee and ultimately City Council and adopted as part of the Parks Expenditure Policy.

Areas identified for improvements include: Crown Point East/McAnulty Phase Two, Stipeley South, Parkview East and West and Blakeley/St Clair. The cost for each project area amounts to approximately \$500,000 with the exception of the Parkview East and West. The Parks Development and Maintenance Section of the Public Works and Traffic Department has completed work at Leaside, Glow and Woodward Park all in the Parkview East and West area, therefore the capital funding allotment for this project area has been reduced to \$266,000 in recognition of these commitments.

Stipeley South Total 2008 and after - \$551,000
Parkview East and West Total 2008 and after - \$266,000
Crown Point East/McAnulty Phase II total 2008 and after - \$542,000
Blakeley/St. Clair Total 2008 and after - \$532,000

DL:HM:hm

Attach's.

c.c. Mr. A. Ross, Corporate Manager, Finance
 Mr. N. Adhya, Manager of Budgets, Finance Division
 Mr. R. Chrystian, Manager of Parks Division, Public Works and Traffic Department
 Mr. C. Guthro, Acting Manager of Streets and Sanitation Division, Public Works and
 Traffic Department

P&Dcap.Bud.

The Corporation of the City of Hamilton
1999-2008 Capital Budget Program

Projects By Department
 (Thousands of Dollars)

PROJ. NO. (1)	DEPT. (2)	PROJECT DESCRIPTION (3)	PROJECT		GROSS COST (6)	RECEIPTS		NET FINANCING (CITY'S COST)								ANNUAL OPERATING COST		COMMENTS (19)
			START (4)	FINISH (5)		SUBSIDY (7)	1999 (8)	2000 (9)	2001 (10)	2002 (11)	2003 (12)	2004 (13)	2005 (14)	2006 (15)	2007 (16)	2008 (17)		
PUBLIC WORKS & TRAFFIC - STREETS																		
10	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN - PHASE III	1999	1999	2,250	100	2,150											44
20	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN - PHASE IV	2000	2000	2,417	217		2,200										101
30	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN - PHASE V	2001	2001	2,200			2,200										
40	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN - PHASE VI	2002	2002	2,000				2,000									52
50	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	1999	1999	250		250											Advanced from 2008
61	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2000	2000	250			250										50
62	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2001	2001	250				250									
63	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2002	2002	250					250								
64	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2003	2003	250						250							
71	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2004	2004	250						250							
72	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2005	2005	250					250								
73	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2006	2006	250						250							
74	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2007	2007	250							250						
75	PWD-S	CITY'S SHARE OF LOCALS - RESIDENTIAL	2008	2008	250								250					NEW
80	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	1999	1999	6,760		6,760											
91	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2000	2000	7,161			7,161										
92	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2001	2001	7,736				7,736									
93	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2002	2002	7,970					7,970								
94	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2003	2003	8,213						8,213							
101	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2004	2004	8,469						8,469							
102	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2005	2005	8,733							8,733						
103	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2006	2006	9,003								9,003					
104	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2007	2007	9,274									9,274				
105	PWD-S	ROADWAYS AND SIDEWALKS RECONSTRUCTION PROGRAM	2008	2008	9,578										9,578			NEW
110	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	1999	1999	50		50											NEW
121	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2000	2000	50			50										NEW
122	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2001	2001	50				50									
123	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2002	2002	50					50								
124	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2003	2003	50						50							
125	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2004	2004	50							50						
126	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2005	2005	50								50					
127	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2006	2006	50										50			

Page 1

PROJ. NO.	DEPT.	PROJECT DESCRIPTION (3)	PROJECT		GROSS COST (6)	RECEIPTS SUBSIDY (7)	NET FINANCING (CITY'S COST)								ANNUAL OPERATING COST		COMMENTS (19)
			START (4)	FINISH (5)			1999 (8)	2000 (9)	2001 (10)	2002 (11)	2003 (12)	2004 (13)	2005 (14)	2006 (15)	2007 (16)	2008 (17)	
(1)	(2)		2007	2007	50										50		
12.8	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS													50		
12.9	PWD-S	CONSTRUCTION - MAINTENANCE OF CITY'S PARKING LOTS	2008	2008	50											12	
13.0	PWD-S	FERGUSON AVE. IMPLEMENTATION PEDESTRIAN/BIKE LINK MAIN TO KING	1999	1999	580		580									NEW Advanced from 2006	
14.0	PWD-S	FORESTRY RENOVATION - UPPER OTTAWA YARD	1999	1999	90		90										
15.0	PWD-S	IMPLEMENTATION OF '97 CORKTOWN NEIGHBOURHOOD PLAN PHASE I	1999	1999	50		50										
16.1	PWD-S	HAMILTON BEACH FLOOD CONTROL - PHASE I	2000	2000	435		435									4	
16.2	PWD-S	HAMILTON BEACH FLOOD CONTROL - PHASE II	2001	2001	400		400									1	
17.0	PWD-S	WESTERLY GATEWAY - MAIN STREET WEST	1999	1999	120		120									6	
18.0	PWD-S	MOUNTAIN BROW STREET LIGHTING	1999	1999	105		105									NEW	
19.0	PWD-S	WATER TRUCK - TRAFFIC ISLAND PROGRAMME	2000	1999	68		68									9	
20.1	PWD-S	ENHANCED STREETSCAPING	2000	2000	36		36									6	
20.2	PWD-S	ENHANCED STREETSCAPING	2001	2001	36		36									6	
20.3	PWD-S	ENHANCED STREETSCAPING	2002	2002	36		36									6	
21.0	PWD-S	AMALGAMATION OF DISTRICT 283 PW YARDS TO ONE LOCATION	2001	2002	2,900		1,700	1,200								-160	
22.0	PWD-S	DOWNTOWN HAMILTON IMPROVEMENT PLAN - PHASE VII	2002	2006	1,027		827	50	50	50	50					0	
23.0	PWD-S	BEASLEY NEIGHBOURHOOD PLAN IMPLEMENTATION	2003	2003	93			93						72		2	
24.0	PWD-S	MOTOR VEHICLE REQUIREMENTS - SIGNALS AND HOISTS	2006	2006*	72										3,121	61	
25.0	PWD-S	FERGUSON AVE. IMPLEMENTATION PEDESTRIAN/BIKE LINK PHASE II	2007 & AFTER		3,121										765	27	
26.0	PWD-S	HUGHSON ST. REDEVELOPMENT - PHASE II	2007 & AFTER		765										2,500	50	
27.0	PWD-S	CORKTOWN NEIGHBOURHOOD PLAN IMPLEMENTATION - PHASE II	2007 & AFTER		2,500											277	
Sub-Total Public Works and Traffic					107,198	317	10,155	10,200	12,372	12,333	8,656	8,819	9,083	9,425	9,574	16,264	
															</		

The Corporation of the City of Hamilton
1999-2008 Capital Budget Program

Projects By Department

(Thousands of Dollars)

PROJ. NO. (1)	DEPT. (2)	PROJECT DESCRIPTION (3)	PROJECT		GROSS COST (6)	RECEIPTS SUBSIDY (7)	NET FINANCING (CITY'S COST)										ANNUAL OPERATING		COMMENTS (19)
			START (4)	FINISH (5)			1999 (8)	2000 (9)	2001 (10)	2002 (11)	2003 (12)	2004 (13)	2005 (14)	2006 (15)	2007 (16)	2008 (17)	COST (18)		
PUBLIC WORKS & TRAFFIC - PARKS																			
1.0	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	1999	1999	429	29	400											12	increase by
2.1	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2000	2000	323	23	300											9	100k increased by
2.2	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2001	2001	323	23	300											9	100k increased by
2.3	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2002	2002	323	23	300											9	100k increased by
2.4	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2003	2003	323	23				300								9	100k increased by
2.5	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2004	2004	323	23					300							9	100k increased by
2.6	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2005	2005	323	23						300						9	100k increased by
2.7	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2006	2006	323	23							300					9	100k increased by
2.8	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2007	2007	323	23								300				9	100k increased by
2.9	PWD-P	PLAYSTRUCTURE REDEVELOPMENT	2008	2008	323	23									300			9	NEW
3.0	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	1999	1999	600	600	600											44	
4.1	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2000	2000	600	600		600										44	
4.2	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2001	2001	600	600			600									44	
4.3	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2002	2002	600	600				600								44	
4.4	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2003	2003	600	600					600							44	
4.5	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2004	2004	600	600						600						44	
4.6	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2005	2005	600	600							600					44	
4.7	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2006	2006	600	600								600				44	
4.8	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2007	2007	600	600										600		44	
4.9	PWD-P	PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME	2008	2008	600	600											600	NEW	
5.0	PWD-P	PARKLAND ACQUISITION	1999	1999	500	500	500											16	
6.1	PWD-P	PARKLAND ACQUISITION	2000	2000	500	500		500										16	outside 10 yr.
6.2	PWD-P	PARKLAND ACQUISITION	2001	2001	500	500			500									16	
6.3	PWD-P	PARKLAND ACQUISITION	2002	2002	500	500				500								16	
6.4	PWD-P	PARKLAND ACQUISITION	2003	2003	500	500					500							16	
6.5	PWD-P	PARKLAND ACQUISITION	2004	2004	500	500						500						16	
6.6	PWD-P	PARKLAND ACQUISITION	2005	2005	500	500							500					16	
6.7	PWD-P	PARKLAND ACQUISITION	2006	2006	500	500									500			16	
6.8	PWD-P	PARKLAND ACQUISITION	2007	2007	500	500										500		16	
6.9	PWD-P	PARKLAND ACQUISITION	2008	2008	500	500											500	NEW	

PROJ. NO.	DEPT.	PROJECT DESCRIPTION (3)	PROJECT		GROSS COST (6)	RECEIPTS SUBSIDY (7)	NET FINANCING (CITY'S COST)										ANNUAL OPERATING	
			START (4)	FINISH (5)			1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	COST (18)	COMMENTS (19)
							(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)		
7.0	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	1999	1999	53	3	50											Reduced by 50K
8.1	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2000	2000	53	3		50										
8.2	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2001	2001	53	3			50									
8.3	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2002	2002	53	3				50								
8.4	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2003	2003	53	3					50							
8.5	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2004	2004	53	3						50						
8.6	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2005	2005	53	3							50					
8.7	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2006	2006	53	3								50				
8.8	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2007	2007	53	3									50			NEW
8.9	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	2008	2008	53	3										50		NEW
9.0	PWD-P	BOCCE/BASKETBALL/ SHUFFLEBOARD CRTS/HANDBALL DEVELOPMENT	1999	1999	480		480										2	Increased by 15 15K
10.1	PWD-P	ESCARPMENT STEPS - FENNELL TO GREENHILL	1999	1999	120		120										15	Increased by 15 15K
10.2	PWD-P	COMMERCIAL IMPROVEMENT PROGRAMME - PHASE II	2000	2000	120			120									15	Increased by 15 15K
10.3	PWD-P	COMMERCIAL IMPROVEMENT PROGRAMME - PHASE II	2001	2001	120				120								15	Increased by 15 15K
11.1	PWD-P	COMMERCIAL IMPROVEMENT PROGRAMME - PHASE II	1999	1999	25		25											
11.2	PWD-P	TENNIS COURT - MAJOR REPAIRS	2000	2000	30			30										
11.3	PWD-P	TENNIS COURT - MAJOR REPAIRS	2002	2002	35					35								55
12.1	PWD-P	RED HILL VALLEY - RECREATION AND OPEN SPACE	1999	1999	600		600											
12.2	PWD-P	RED HILL VALLEY - RECREATION AND OPEN SPACE	2000	2000	600			600										
12.3	PWD-P	RED HILL VALLEY - RECREATION AND OPEN SPACE	2001	2001	600				600									
12.4	PWD-P	RED HILL VALLEY - RECREATION AND OPEN SPACE	2002	2002	665					665								0
13.0	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	1999	1999	250		250											NEW
14.1	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2000	2000	250			250										NEW
14.2	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2001	2001	250				250									NEW
14.3	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2002	2002	250					250								NEW
14.4	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2003	2003	250						250							NEW
14.5	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2004	2004	250							250						NEW
14.6	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2005	2005	250								250					NEW
14.7	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2006	2006	250									250				NEW
14.8	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2007	2007	250										250			NEW
14.9	PWD-P	PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS	2008	2008	250											250		NEW
15.1	PWD-P	MAJOR GATEWAYS TO THE CITY	1999	1999	300		100	200									20	NEW
15.2	PWD-P	MAJOR GATEWAYS TO THE CITY	2000	2000	400		100	300									30	NEW
16.1	PWD-P	PLASTIMET SITE REDEVELOPMENT - MILLENIUM PROJECT	2000	2000	125		125										22	NEW

C(i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 7

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
569 RYMAL ROAD EAST - Tag Number 98-132363
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 569 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT-20/S-1156 (Map E-27D)

PRESENT USE: Single Family Dwelling

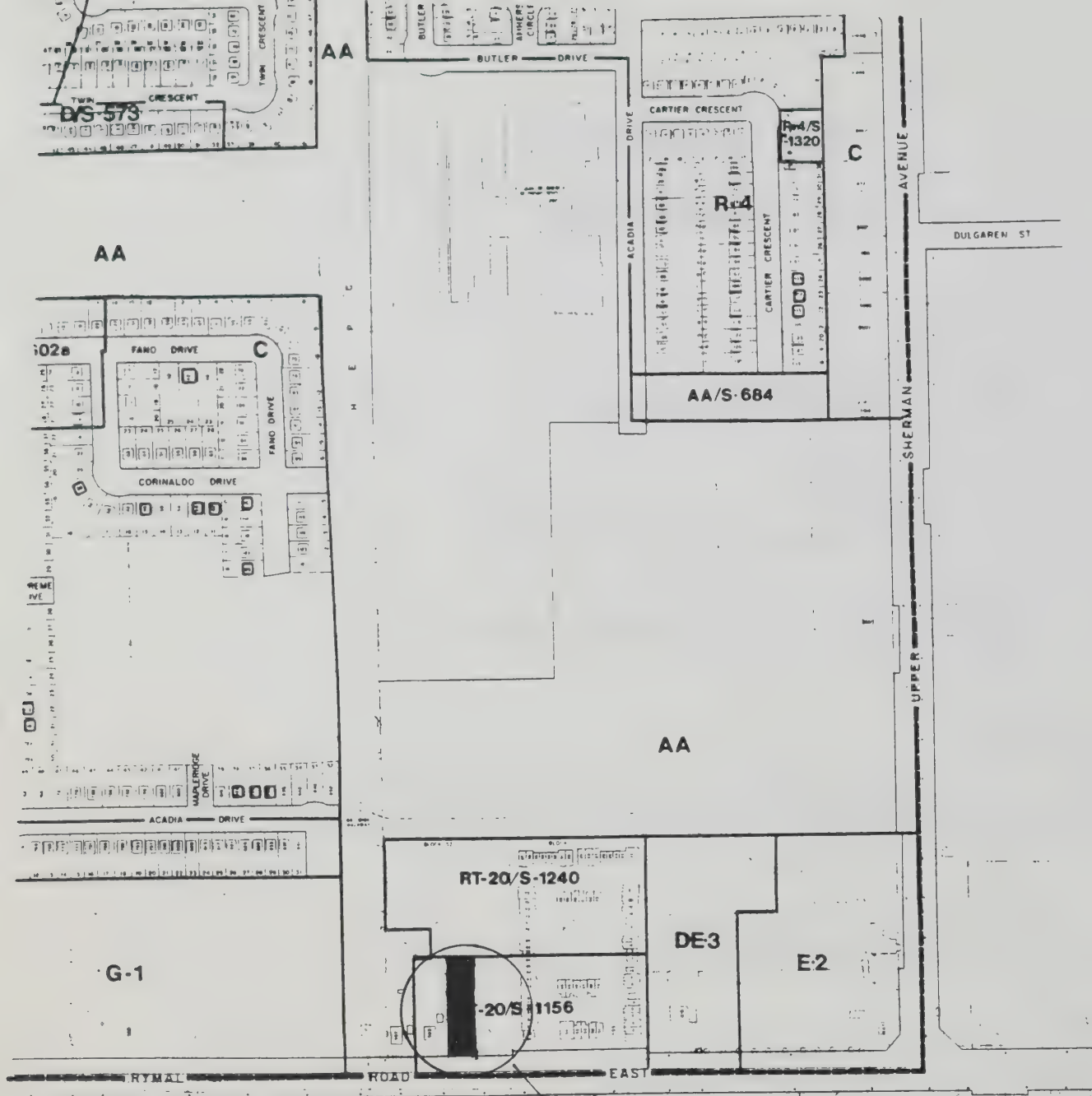
PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner proposes to demolish the existing one-storey single family dwelling and leave the land vacant at this time. The property has been rezoned to permit townhouses. This property is located in the "Butler" neighbourhood and is located in Ward 7. (please see attached neighbourhood map and city overview map) No LACAC interest. Lot size 75.54m x 163.37m.

The owner of the property and applicant as per the demolition permit is:

Effort Trust
242 Main Street East
Hamilton, Ontario L8N 1H5

FP/zr



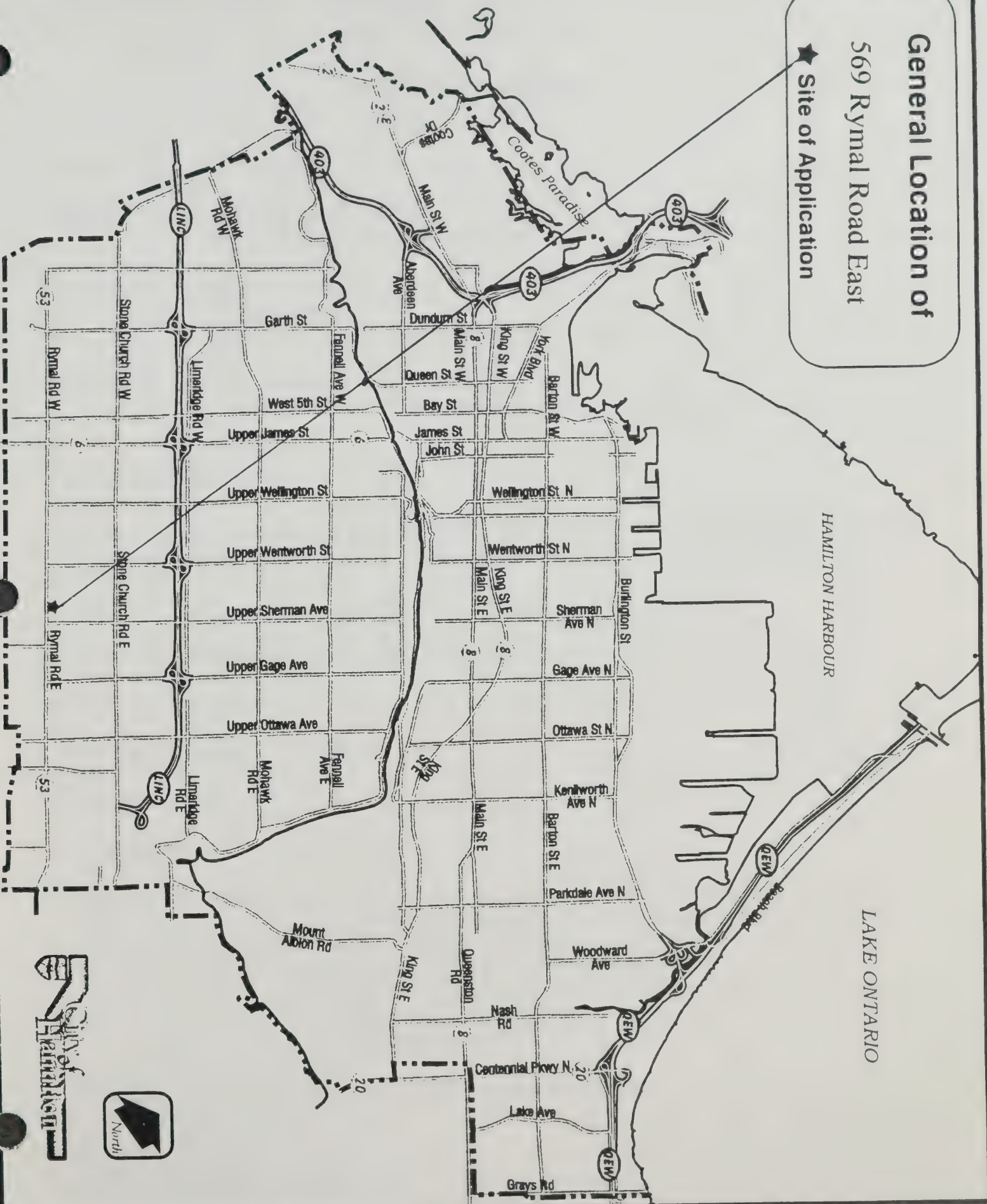
SUBJECT PROPERTY
569 RYMAL RD. EAST

<table border="1"> <tr> <td>33</td> <td>118</td> <td>112</td> </tr> <tr> <td>8</td> <td>19</td> <td>43</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	33	118	112	8	19	43				<p>CITY OF HAMILTON</p> <p>BUTLER</p> <p>ZONING</p>
33	118	112								
8	19	43								
<p><small>This is not a Legal Document For Zoning Verification Please Contact The City Building Department</small></p>	<div style="display: flex; align-items: center;"> <div style="flex: 1;"> <p>0 100m</p> <p>Scale 50m</p> </div> <div style="flex: 0.5; text-align: center;"> <p>NORTH</p> </div> </div>									
<p>--- Neighbourhood Boundary</p> <p>— Zoning Boundary</p>	<div style="display: flex; justify-content: space-between;"> <p>Prepared for The City of Hamilton Development Department</p> <p>PLANNING (DIST. NO.) 7506</p> <p>PAGE NO. 19</p> </div>									

General Location of

569 Rymal Road East

★ Site of Application



C (ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 7

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
713 BARTON STREET EAST - Tag Number 98-131956
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 713 Barton Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map E-32)

PRESENT USE: Commercial and one dwelling unit

PROPOSED USE: Commercial

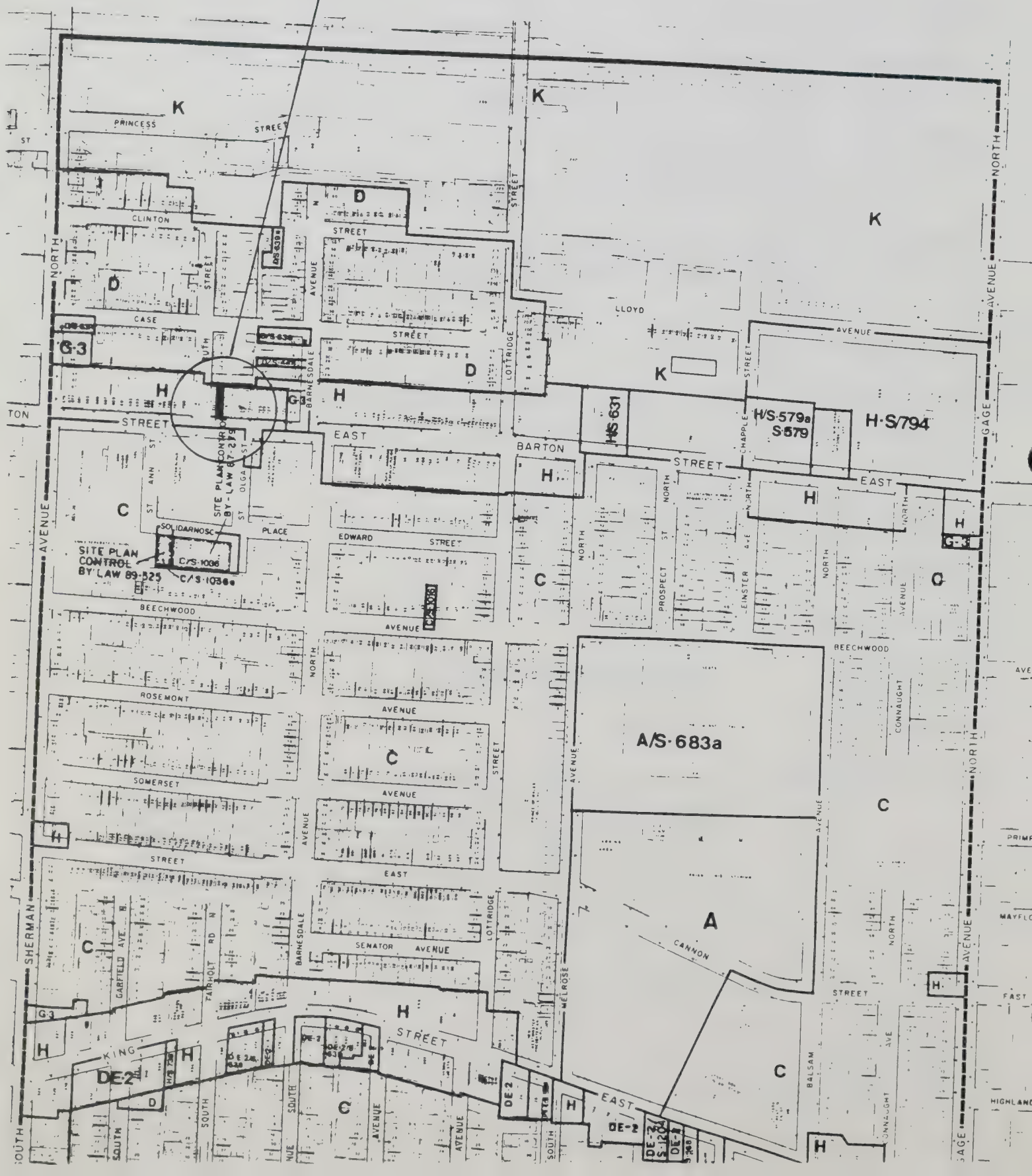
BRIEF DESCRIPTION: The owner proposes to demolish the existing two-storey building which contains commercial on the first floor with one residential dwelling unit on the second floor and replace it with a one-storey commercial building. This property is located in the "Stipley" neighbourhood and is located in Ward 3. (please see attached neighbourhood map and city overview map) No LACAC interest. Lot size 19.56' x 92.0'.

The owner of the property and applicant as per the demolition permit is:

A. Jachowicz
22 Lakeside Drive
Stoney Creek, Ontario L8E 5C2

FP/zr

SUBJECT PROPERTY
713 BARTON ST. EAST



General Location of

713 Barton Street East

★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR



Office of the Municipal Clerk
Memorandum

C (iii)

TO: Len King
Building Commissioner

FROM: Tina Agnello
Secretary
Planning and Development Committee

DATE: 1998 December 11

SUBJECT: Demolition Permit – 50 Glassco Avenue South

The Planning and Development Committee, at its meeting of 1998 December 2, agreed to table the above-noted matter.

TA

TA/jt

cc: Alderman G. Copps

file

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 1998

DATE: 1998 November 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
50 Glassco Avenue South - Tag Number 98-131061
(98.1.1.A)



RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 50 Glassco Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C and G-3 (Map E-85)


PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner proposes to demolish the existing 1-storey single family dwelling and leave the land vacant at this time. This property is located in the "McQuesten West" Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 4. No LACAC interest. Lot size 20.42m x 32.0m.

The owner of the property and applicant as per the demolition permit is:

Cardal Developments
271 Queenston Road
Hamilton, Ontario
L8K 1G9

 FP/zr

General Location of

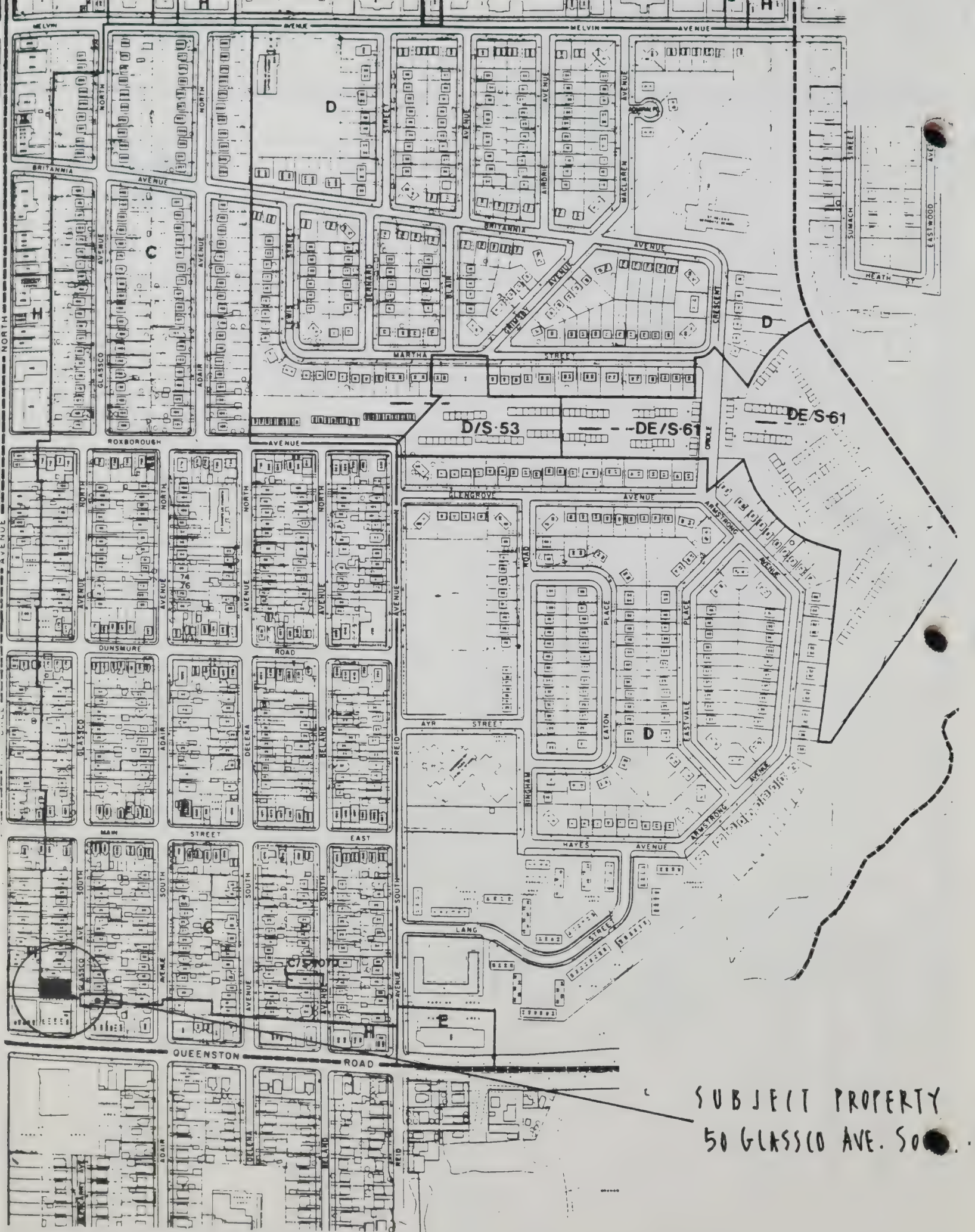
50 Glassco Ave. South

★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR





SUBJECT PROPERTY
50 GLASSCO AVE. S.O.

CITY OF HAMILTON
- RECOMMENDATION -

D.

DATE: 1999 January 7
CI-98-B

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P. R.R.P.
General Manager
Community Planning and Development Division

SUBJECT: City Initiative 98-B Restaurant Parking

RECOMMENDATION:

That staff be directed to give notice of a Public Meeting for consideration of City Initiative 98-B, respecting an amendment to the provisions of Section 18A.(36) and the location of vehicular access points for restaurant parking in an "H" District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the requirements of the Planning Act, Council shall hold at least one Public Meeting to consider a By-law amendment.

BACKGROUND:

- Planning and Development Committee

At its meeting of February 4, 1998, the Planning and Development Committee directed staff to review "...**parking restrictions in areas which are already built-up in the lower City**" with respect to restaurant uses.

In this regard, Ward Alderman were concerned that new restaurants have been experiencing difficulties because of parking restrictions which seemed onerous relative to the parking standards for other commercial uses.

Similarly, concern has been expressed about the application/enforcement of restaurant parking requirements where no parking is required for the restaurant use, but is provided for other commercial or residential uses on the site.

- "H" District Review

In 1977, the Planning and Development Committee struck a sub-committee comprised of Aldermen from the lower City Wards and staff from the Planning, Building and Traffic Departments to review the "H" District regulations with respect to hotels, taverns and restaurants. The "H" District is essentially an "Extended/Ribbon Commercial" category of existing commercial establishments fronting onto arterial roads (e.g. Barton, King, Main). Typically, the commercial uses are adjoined by single-family residential development on the interior of the neighbourhood(s).

The study was initiated by Ward Aldermen in response to complaints from area residents respecting spill-over effects (e.g. noise/hours of operation, traffic/parking, litter) from such uses.

By definition, a restaurant was considered a place of assembly under the Zoning By-law. Parking was required at the rate of 1 space per 10 persons where more than 60 persons were lawfully accommodated.

As a result of the study, By-law No. 78-184 was passed by Council which deleted a variety of incompatible uses from the "H" District (e.g. hotel, tavern, places of amusement, etc.), and introduced special design requirements for the regulation of restaurants, including parking (e.g. 1 space per 6 persons lawfully accommodated), distance separation from residential, landscaping and minimum distance separation between access and residential.

Generally, the principle was to have the parking and vehicular accesses for new restaurants located at the front of the lot, and have the building at the back to act as a buffer between the on-site traffic and adjoining residential areas, thereby mitigating potential spill-over effects.

The impact of the by-law on new restaurants was to eliminate the 60 seat exemption and require parking regardless of the number of seats provided. For example, prior to the passing of the by-law, a 48 seat restaurant would not have required any parking as the capacity was less than 60 persons. However, under the new standard a minimum of 8 spaces would be required.

- Parking & Loading By-law

In 1980, the City undertook a general review of the parking and loading requirements of Zoning By-law No. 6593. Consequently, By-law No. 83-66 was passed by Council on February 22, 1983, to establish new parking and loading requirements. With respect to restaurants, the special provisions established by By-law No. 78-184 were retained, as was the general by-law exemption for the first 450 m² of commercial floor space.

- By-law No. 87-41

By-law 87-41 was passed by Council on February 10, 1987. The purpose of the by-law was to amend the definition of restaurant. The effect of the by-law was to allow

a variety store and retail grocery store to have an accessory restaurant use within the store, subject to the following:

- Not more than 10% of the gross floor area is occupied by the accessory use;
- No seating or stand-up counter is provided for the consumption of food on the premises; and,
- Access to the accessory use is only available from inside the store.

Prior to the passing of the by-law, the accessory sale of drinks or prepackaged food requiring further preparation was illegal, as it was deemed to come under the definition of a restaurant.

- Zoning By-law No. 6593

Under Zoning By-law 6593, no parking (see APPENDIX "A" – AREA "A") or reduced parking (see APPENDIX "A" – AREA "B") is required for any commercial use in the downtown. Outside of the reduced area, 1 parking space per 6 persons who maybe lawfully accommodated is required for a restaurant use.

For purposes of by-law enforcement, the Building Department had advised that required parking is calculated on the number of proposed seats. Accordingly, a new restaurant with a proposed seating capacity of 60 persons would require a minimum of 10 parking spaces. Similarly, a new take-out restaurant with no proposed seating would not require any parking.

COMMENT:

1. Issue – Restaurant Parking Standards

The issue is that the parking requirement for new restaurants (ie. 1space/6 seats) is a higher standard than for other retail uses (ie. 1 space/31m² of floor area in excess of 450 m²).

Although it is acknowledged that certain restaurant operations (e.g. take-out) have similar functions to retail stores (i.e. customer arrives, makes purchases and departs), the provision of seating and hours of operation negate the retail nature of the use. More specifically, where seating is provided the customer arrives and consumes the food on site. Consequently, the length of stay is increased thereby impacting on parking/traffic flow.

In recognition of this, the parking requirements for restaurants under Zoning By-law No. 6593 are based solely on the provision of seating (i.e. 1 space/6 persons). Generally, a problem arises when an established take-out facility proposes to add seating, or a related use (e.g. deli, bakery) wants to add seating.

In this regard, the proponent has the option of applying for "Cash-in-lieu", a minor variance or a zoning modification.

Municipal Survey

For comparative purposes, Planning Department staff surveyed seven (7) southern Ontario municipalities to obtain information on their parking requirements for restaurants (ie. Ancaster, Brampton, Burlington, Dundas, Kitchener, Oakville, Stoney Creek). The results of the survey are summarized on APPENDIX "B".

As illustrated, there is a variation in how restaurants are classified and how the number of parking spaces are calculated (e.g. No. of Persons Accommodated; Gross Floor Area; Public Floor Area; etc.).

In those municipalities that use "number of persons accommodated", as in Hamilton, (i.e. Ancaster, Burlington, Dundas, Stoney Creek), the range is from a low of 1 space/6 persons to a high of 1 space/2 persons. The other three municipalities (Brampton, Kitchener, Oakville) calculate parking on the basis of floor area with a range from 1 space/9.6m² to 1 space/4.6m². The current City of Hamilton standard of 1 space/6 persons is the lowest compared to the other municipalities, with the exception of Dundas which has the same standard.

To illustrate the comparativeness of Hamilton's Zoning by-law, the minimum parking requirements for a typical fast food restaurant with a drive-thru were calculated (see APPENDIX "C"). The range was from a low of 8 spaces (Hamilton and Dundas) to a high of 54 spaces (Brampton). The mid-point of the range used by the other municipalities was 27 spaces.

Regardless of restaurant type, Hamilton's parking standard is the lowest of all the municipalities surveyed. Furthermore, when considered in conjunction with traffic issues and other potential operational impacts (e.g. overflow parking; hours of operation; size of operation; etc.) there is no evidence that the parking requirement is onerous.

Accordingly, it is recommended that the current practise be maintained, in that where a proponent cannot meet the minimum parking requirements they have the option of applying for a zoning modification, a minor variance or for cash-in-lieu. In this regard, each application can be evaluated on it's own merits including location, availability of parking in the area, and nature of restaurant use (e.g. accessory to a deli-bakery or a full service restaurant).

2. Issue – Application/Enforcement of Restaurant Parking Regulations

Section 18A. (36) of Zoning By-law No. 6593 sets out specific provisions respecting parking for restaurants in the "H" District, including the following:

- "18A. (36) 1. There shall be provided and maintained accessory to a restaurant in an "H" District ,**
- (a) a parking area containing parking space at the rate of one space for every six persons...**
 - (b) a distance of not less than 12.0 metres (39.37 feet) between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant;**
 - (c) a landscaped area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way.**
- 2. No points of ingress or egress at the lot line, to or from the lot on which a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary."**

The effect of clauses (b) and (c) is to require a minimum driveway separation distance from an adjoining residential district, and minimum landscaping along street lines, only where parking is required or used **in conjunction with a restaurant**. Comparatively, paragraph 2 restricts ingress and egress to the lands on which a restaurant is located regardless of whether or not parking is required or used in conjunction with the restaurant.

For example, if a take-out restaurant is proposed to locate within a plaza in an "H" District no parking would be required. Consequently, clause (b) and (c) would not apply. However, paragraph 2 would apply and any ingress or egress, whether existing or proposed, would have to be setback a minimum of 30.0 metres to a residential district boundary. Invariably, this necessitates an application to the Committee of Adjustment for a minor variance. Similarly, where a take-out restaurant is proposed to locate in a mixed - use building (e.g. restaurant on ground floor and an apartment(s) on second floor) and parking is provided on site for the apartment unit(s) then paragraph 2 applies and an application for minor variance is necessitated.

Although it is technical in nature, there is a discrepancy between the application of clause (b) and (c), and paragraph 2. In this regard, Section 18A. (36) was designed to require a minimum amount of parking for a restaurant use based on seating capacity, and to ameliorate the potential impact of associated parking and manoeuvring on adjoining residential uses. However, the restriction on ingress and egress applies to a restaurant use, regardless of whether or not parking is required or used in conjunction

with the restaurant. In order to provide for consistency in the application of this section, it would be appropriate to amend Subsection 18A. (36) 2 as follows:

- "2. No points of ingress or egress at the lot line, to or from the lot on which parking for a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary."

This report has been prepared in consultation with the Building Department. In accordance with the requirements of the Planning Act, notice of a Public Meeting would have to be given in order to consider an amendment to the By-law.

CONCLUSION:

On the basis of the foregoing, a Public Meeting should be scheduled in accordance with the requirements of the Planning Act, to consider an amendment to Section 18A. (36).

CITY OF HAMILTON
- RECOMMENDATION -

E.

DATE: 1999 January 7

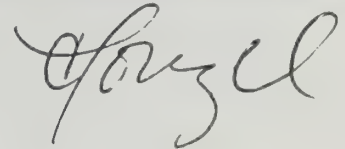
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Permit for Proposed Sprinkler System – 252 James Street South

RECOMMENDATION:

That a Heritage Permit be approved for the designated property at 252 James Street South to install a sprinkler system comprising five (5) sprinkler heads, two of which are located in the ceiling of the entrance lobby as shown on the plan attached hereto and marked as Appendix "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The entrance lobby is included in the Reasons for Designation and as provided for under Part IV of the Ontario Heritage Act, any alteration to a designated exterior or interior feature requires Council approval through the Heritage Permit Process.

BACKGROUND:

Renovations to the entire ground floor for the new tenant, Maddison Avenue Spa, are now largely completed. At its 1998 November 16 meeting, the Committee approved in principle the above solution, proposed by the Project Architect, Marek Radojewski, to meet the Ontario Building Code requirements for a 45-minute fire separation between the ground floor office and entrance lobby (fire exit).

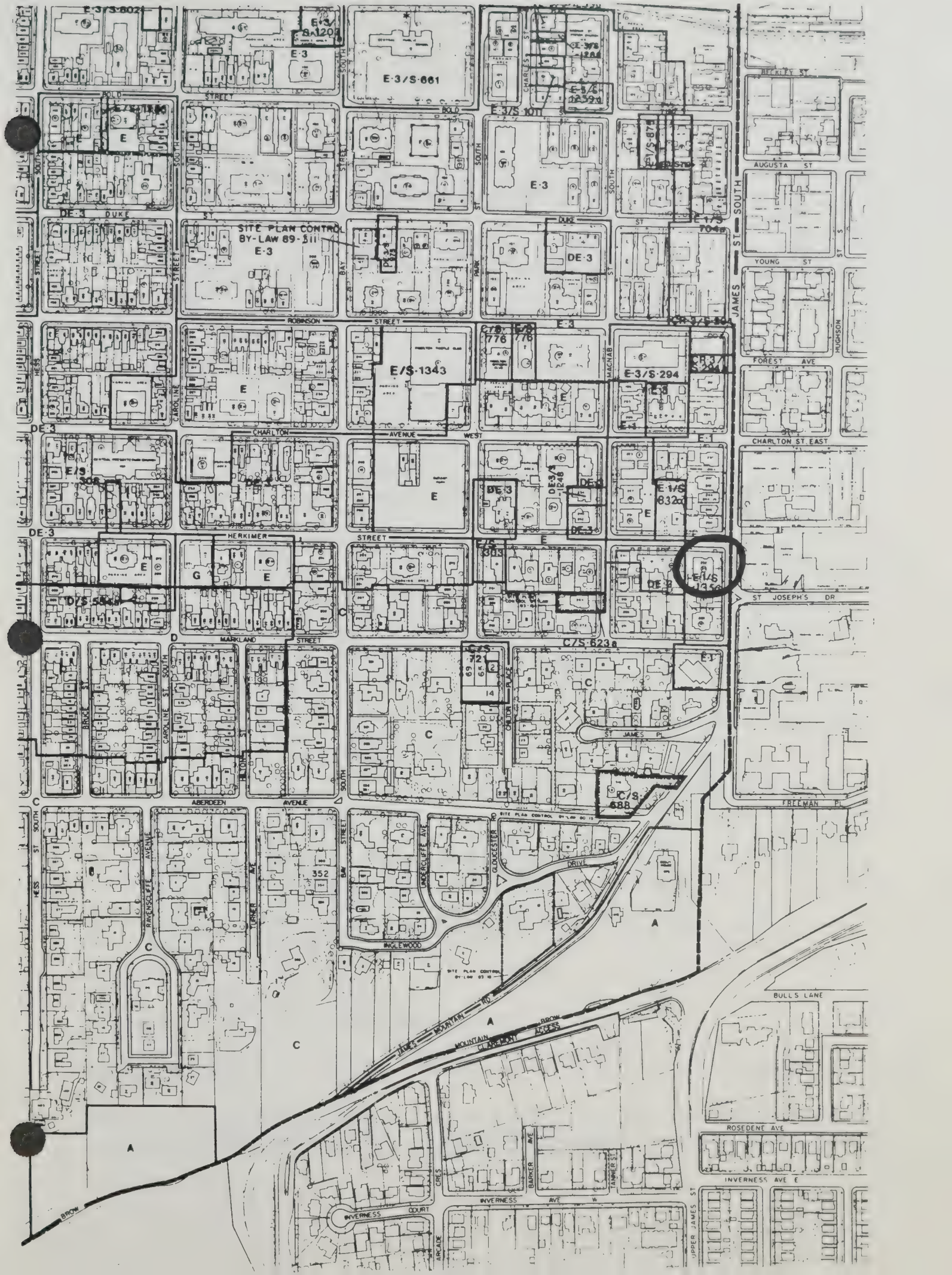
The Architect was, however, requested to provide a more detailed plan, showing the exact location and method of installing the sprinkler heads in the ceilings, to be reviewed by the Research Sub-Committee. At the Sub-Committee meeting held on 1998 November 25, Mr. Radowjeski presented the attached plan, explaining that the main pipe of the sprinkler system would be located in the adjacent offices, with two extension pipes running through the wall above the dropped ceiling into the vestibule. The only visible components on the lobby ceiling would be the two sprinkler heads, located close to the wall.

The Research Sub-Committee was pleased with this solution: the sprinkler system would be visually unobtrusive and would not undermine the architectural integrity of the designated lobby space.

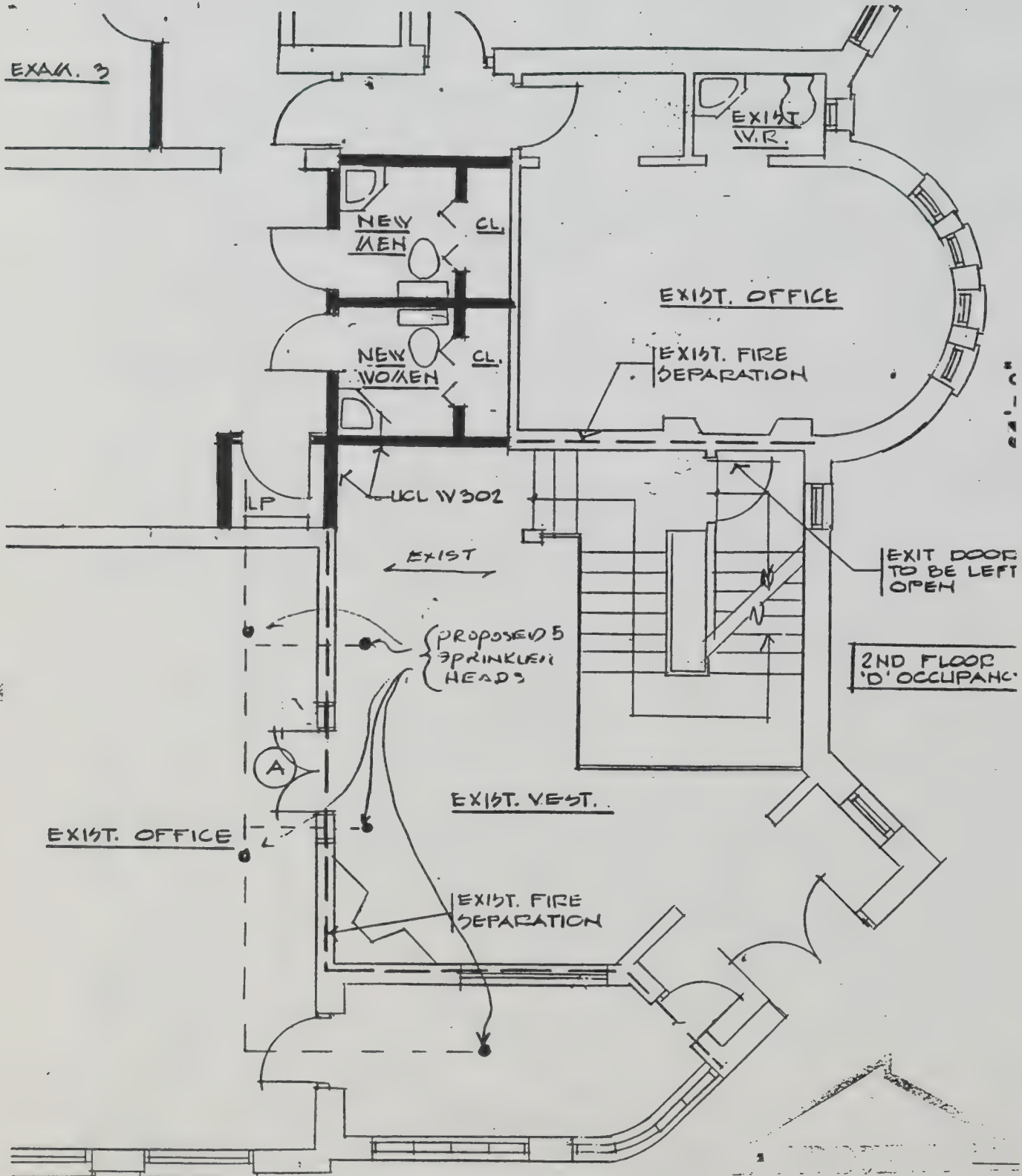
The Committee, therefore, at its meeting held 1998 December 14, approved the aforementioned recommendation given the assurances that the work will not impact the heritage components of the building.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department



APPENDIX "A"



F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 11

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) General Manager, Planning and Development Division re: Approved Site Plan Control Application dated 1999 January 7
- (b) Building Commissioner re: Building Department Status report as at September 30, 1998, dated 1998 November 18
- (c) Director of Planning and Development re; Planning and Development Department Status Report as at September 30, 1998, dated 1998 November 23
- (d) General Manager, Housing and Loans Division re: Extra Funding for Renovation Programs dated 1999 January 7

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

1/11/99

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the

Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

CAY ON HBL AOS
C 51 P4
1999

**URBAN
MUNICIPAL**



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1999 February 3
9:30 o'clock a.m.
Room 233, City Hall**

FEB 5 1999

GOVERNMENT DOCUMENTS

**Tina Agnello, Secretary
Planning and Development Committee**

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-42 and Subdivision Application 98-06, by Harp Homes Building, Corp. prospective owners, for a change in zoning from "AA" District to "C" District for lands located at the rear of 1501 Upper Sherman Avenue.

Submission: a) Vito Sgro, 791 Upper Horning Road, Hamilton

2. Zoning Application 97-41, by Anne E. Schoeman, owner, for a modification to the "D" District for property located at 233 - 235 Locke Street North.

3. **REFERRAL BACK FROM COUNCIL**

Zoning application 98-22, for property located at 1394 Upper Gage Avenue

4. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION
 - a) Proposed Draft Plan of Condominium – Condominium Conversion, 2 Cherry Hill Ave. – 89-101 Mount Albion Road.
 - b) Site Plan Control Application 98-44, by Cadillac Fairview, for the expansion of the existing Fortino's Grocery Store, located at 75 Centennial Parkway North.
5. MAYOR MORROW AND ALDERMAN CAPLAN

Request for Exemption from requirements for securities under site plan control
Re: Staircase Theatre, 27 Dundurn Street (verbal report)
6. CONSENT AGENDA
7. OTHER BUSINESS
8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
6.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
7.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
8.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
9.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
10.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
11.	Walkway Closure –Forestgate Drive	1998 November 4	Referred to Staff	Report Forthcoming
12.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
13.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
14.	Exemption from Requirements Site plan , 27 Dundurn St.	1999 January 20	Tabled with directions for staff to prepare report	Report Forthcoming
1999 January 28				

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: 1999 January 22
SAR-98-06 and ZAC-98-42
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: LeeAnn Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Application for Draft Approval of a Plan of Subdivision "Eagleview Estates, Phase 3" and request for a change in zoning for lands located at the rear of 1501 Upper Sherman Avenue

RECOMMENDATION:

- (a) That approval be given to Subdivision Application 98-06, (Regional File No. 25T-98014), Harp Homes Building Corporation. (M. Mazza), prospective owner to establish a draft plan of subdivision "Eagleview Estates, Phase 3", on lands located east of Upper Sherman Avenue, west of Eleanor Avenue and south of Dalia Avenue/Dulgaren Street, and located at the rear of 1501 Upper Sherman Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated November 20, 1998, showing 8 lots for single detached dwellings, 5 blocks to be developed in conjunction with the abutting lands for single detached dwellings, 1 block being a 0.30 m reserve, and 3 streets identified as the extensions of Eaglewood Drive, Dulgaren Street and Street "A", attached as Appendix "B";
 - (ii) That the streets be named from the list of reserved street names for the City of Hamilton to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan;
 - (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;

- (v) That the final plan conform with the Zoning By-law approved under the Planning Act;
 - (vi) That the owner provide the City of Hamilton with a certified lot showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act;
 - (viii) That Lots 1 to 5 inclusive not be developed until such time as Street "A", abutting these lands is established and constructed to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;
 - (ix) That any dead-end and unopened sides of road allowances are terminated in 0.30 metre reserves;
 - (x) That Eaglewood Drive and Dulgaren Street be terminated with temporary asphalt turnarounds within the proposed 20 metre road allowances if Street "A" is not established to its full width with the development of any portion of these lands and that lots not be allowed to develop adjacent to the temporary asphalt turnarounds until such time as the permanent road has been established fronting onto these lots;
 - (xi) That the Owner agree in writing that Blocks 9 – 13, inclusive, are to be developed in conjunction with the abutting lands;
 - (xii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
 - (xiii) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton, prior to development of any portion of these lands;
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-06/25T-98014), "Eagleview Estates, Phase 3", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.
- (d) That approval be given to Zoning Application ZAC-98-42, Harp Homes Building Corporation, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family dwellings, for lands located east of

Upper Sherman Avenue, west of Eleanor Avenue and south of Dalia Avenue/Dulgaren Street, and located at the rear of 1501 Upper Sherman Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 1501 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for 8 lots for single detached dwellings, and 5 blocks to be developed in conjunction with the abutting lands for single detached dwellings, in accordance with the proposed plan of subdivision "Eagleview Estates, Phase 3".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act and the City of Hamilton Official Plan, Council shall hold at least one public meeting to consider an application for approval of a proposed draft plan of subdivision and for a zoning by-law amendment.

BACKGROUND:

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of the subject lands for 8 lots for single detached dwellings, and 5 blocks to be developed in conjunction with the

abutting lands for single detached dwellings, in accordance with the proposed plan of subdivision "Eagleview Estates, Phase 3".

Zoning Application 95-13 and Subdivision Application 95-03 (Regional File 25T-95014(R))

In June, 1996, City Council approved Zoning Application 95-13 and Subdivision Application 95-03 for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dalia Street (formerly Dulgaren Street). The changes in zoning were to permit the development of the subject lands in accordance with the proposed "Eaglewood Estates" plan of subdivision for 7 lots for small lot single family dwellings ("R-4" District) and 18 lots for single family dwellings ("C" District).

APPLICANT:

Harp Homes Building Corporation, prospective owners.

AGENT:

J. Trivieri, A.J. Clarke and Associates Ltd.

SURVEYOR:

B.J. Clarke, A.J. Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be developed are rectangular in shape having:

- 144.17 m of lot depth;
- 42.09 m of lot width; and
- a lot area 0.6 ha

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"AA" (Agricultural) District
<u>Surrounding Land Use</u>		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Vacant (planned single detached dwellings)	"AA" (Agricultural District

to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Eleanor Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised that the applications, as submitted, are satisfactory.
- Regional Environment Department have advised of the following:

"We have the following comments and recommendations regarding the proposed draft plan of subdivision.

Information:

- 1) There are existing Municipal sewers available to service this development directly.
- 2) There is an existing Municipal watermain adjacent to this development to service these lands directly.
- 3) There are no road widenings required by the Region or City for this development.
- 4) In the event that the owner may wish to proceed with the servicing of lands to the east of Eaglewood the owner may wish to shift Street "A" 2.0 metres to the north as indicated on the draft plan for the temporary servicing of the lands to the east.

Recommendations:

- 1) That Lots 1 to 5 inclusive not be developed until such time as Street "A", abutting these lands is established and constructed to the satisfaction of the City Engineer.
- 2) That any dead-end and unopened sides of road allowances are terminated in 0.30 metre reserves.
- 3) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
- 4) That Eaglewood Drive and Dulgaren Street be terminated with temporary asphalt turnarounds within the proposed 20 metre road allowances if Street "A" is not established to its full width with the development of any portion of these lands and that lots not be allowed to develop adjacent to the temporary asphalt turnarounds until such time as the permanent road has been established fronting onto these lots.

The submitted plan, as prepared by B.J. Clarke, O.L.S., of A.J. Clarke and Associates Limited and dated November 20, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department have advised that the proposed change in zoning and draft plan of subdivision is satisfactory provided that each of the proposed lots have a minimum lot width of 12.0 m and a minimum lot area of 360 m² in accordance with the "C" District provisions.

COMMENTS:

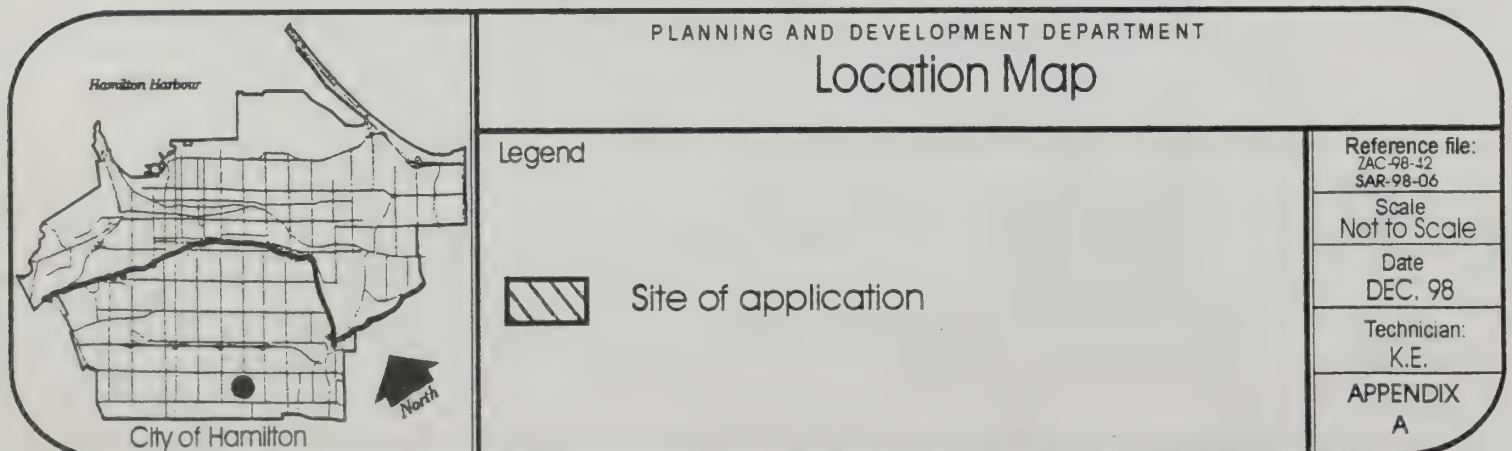
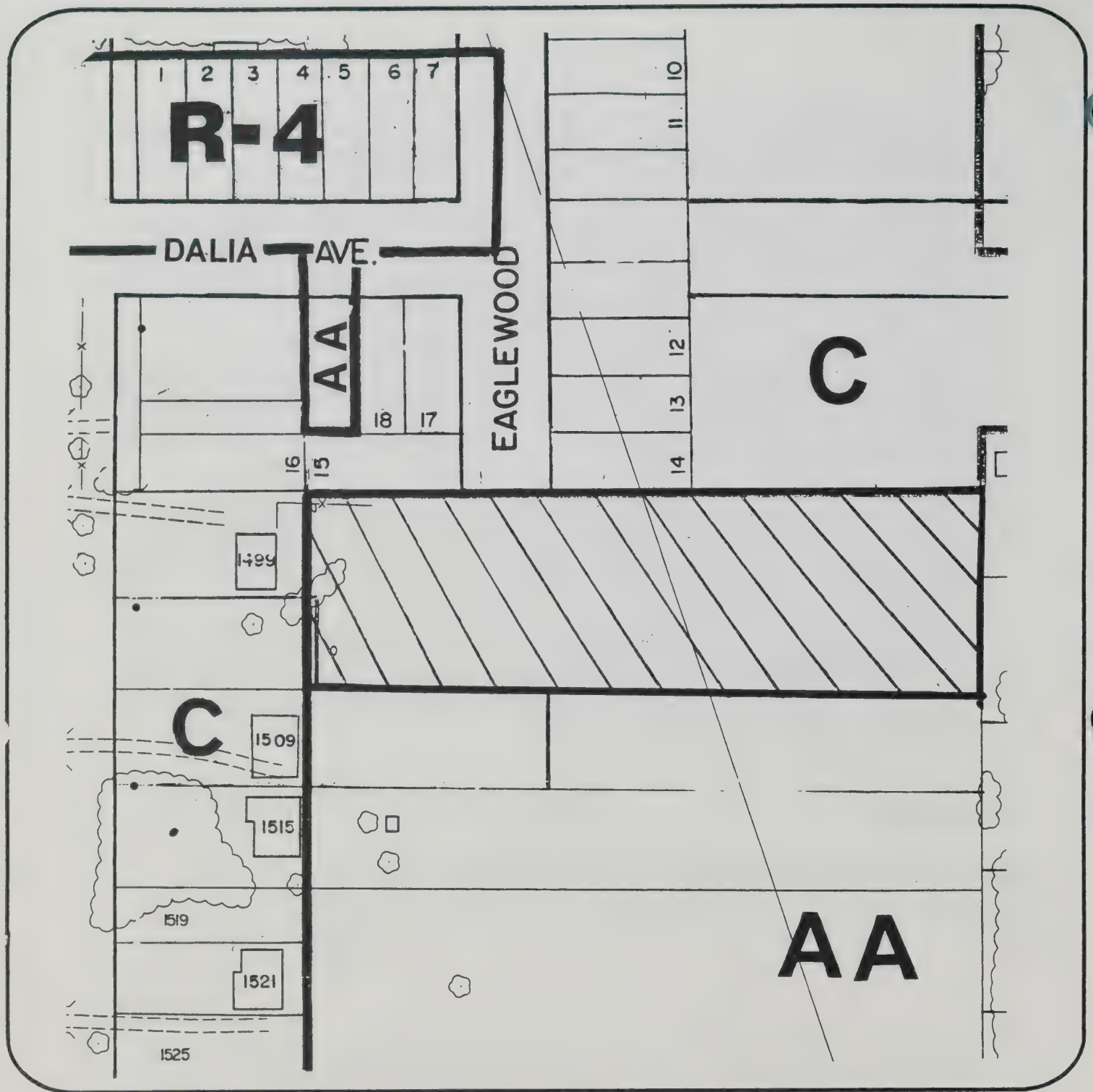
1. The proposal complies with the general intent of the Official Plan and the approved Eleanor Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan;
 - ii) it is consistent with the existing development in the Eleanor Neighbourhood; and,
 - iii) it would be compatible with the existing and planned residential uses in the surrounding area.
3. As a condition of draft plan approval, the proponent will be required to submit a

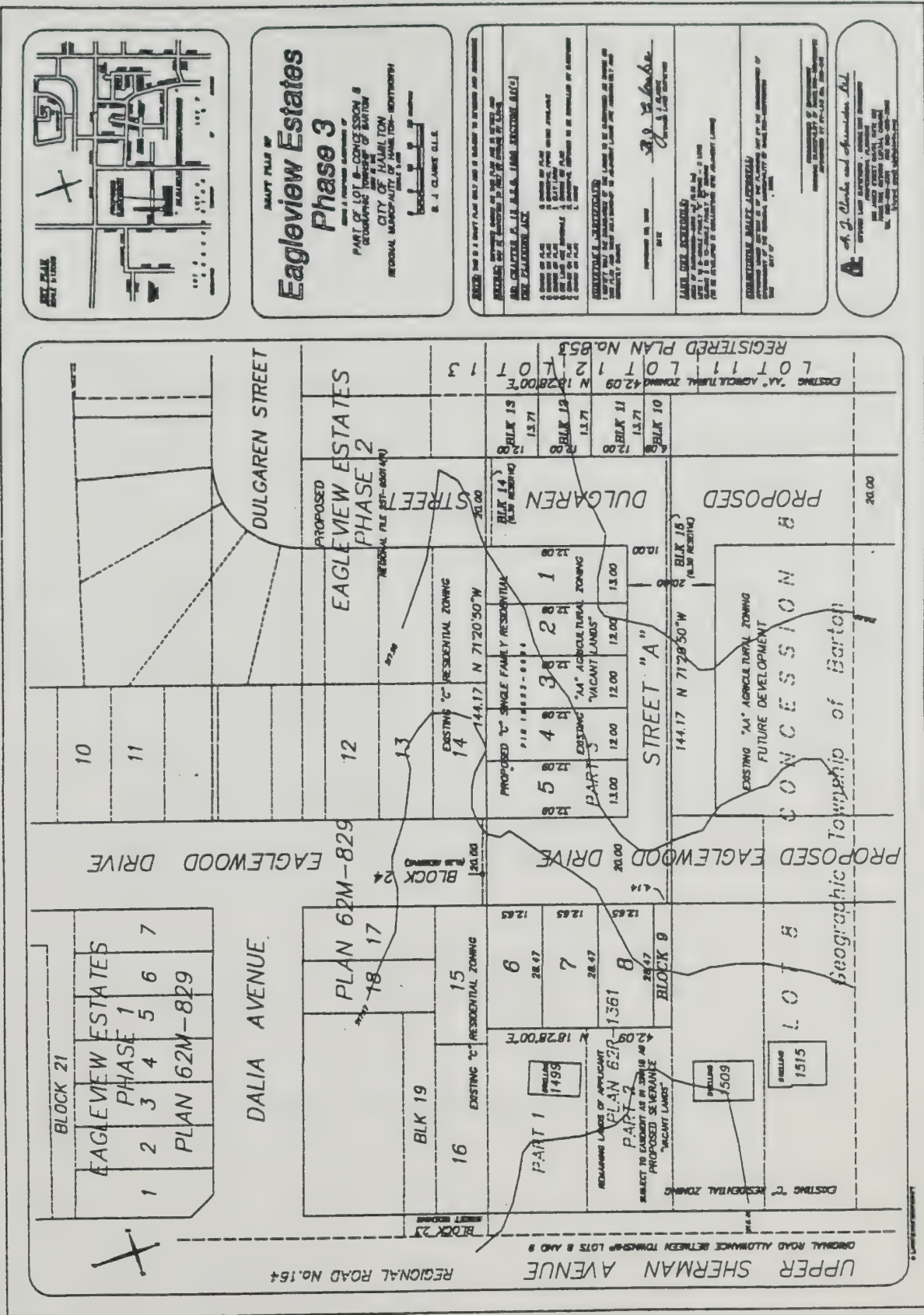
surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.

4. There is an existing neighbourhood park to the east of the subject lands. As such, rather than requiring the developer to dedicate 5% of the total area of the subdivision for parkland, the proponent will be required to make a 5% cash-in-lieu payment to the City of Hamilton as a condition of draft plan approval.
5. The Hamilton Region Conservation Authority had no objection to the proposed change in zoning but will be requiring that the Region of Hamilton Wentworth impose the standard conditions for storm water management and sediment control as part of the draft plan approval.
6. The proposed plan of subdivision will allow for the development of "Eagleview Estates, Phase 2" plan of subdivision, in that the servicing is required to drain from Eleanor Avenue towards Upper Sherman Avenue. The Regional Environment Department has advised that if the applicant proceeds with the servicing of lands to the east of Eaglewood Drive, then it may be necessary to shift Street "A" 2.0 metres to the north. This will allow for the temporary servicing of the lands to the east. The realignment of the road will reduce the depth of Lots 1 – 5 from 32 m to 30 m. Based on the plan submitted, the lots will still comply with the applicable provisions of the Zoning By-law.

CONCLUSION:

Based on the foregoing, the application can be supported.





1a)

Vito Sgro
791 Upper Horning Road
Hamilton,
Ontario
L9C 7R4
Phone (905) 387-6245
Fax (905) 387-8486

January 28, 1999

City of Hamilton
Planning and Development Department,
7th Floor, City Hall,
71 Main Street West,
Hamilton, Ontario.
L8P 4Y5

Attention: Mr. Stephen Robichaud

Re: File No ZAC-98-42 and SAC-98-06
Regional File No 25T-98014

Dear Mr. Robichaud,

I am the property owner on the corner of Dulgaren St. and Eleanor Ave. (see attached). I would like to service my lands fronting on Eleanor Ave. , but my main concern is if there will be proper storm and sanitation capacity to accomodate my lands, should the above application be approved.

I would greatly appreciate it if you could investigate this matter and provide me with further information regarding the property on the corner of Dulgaren St. and Eleanor Ave.

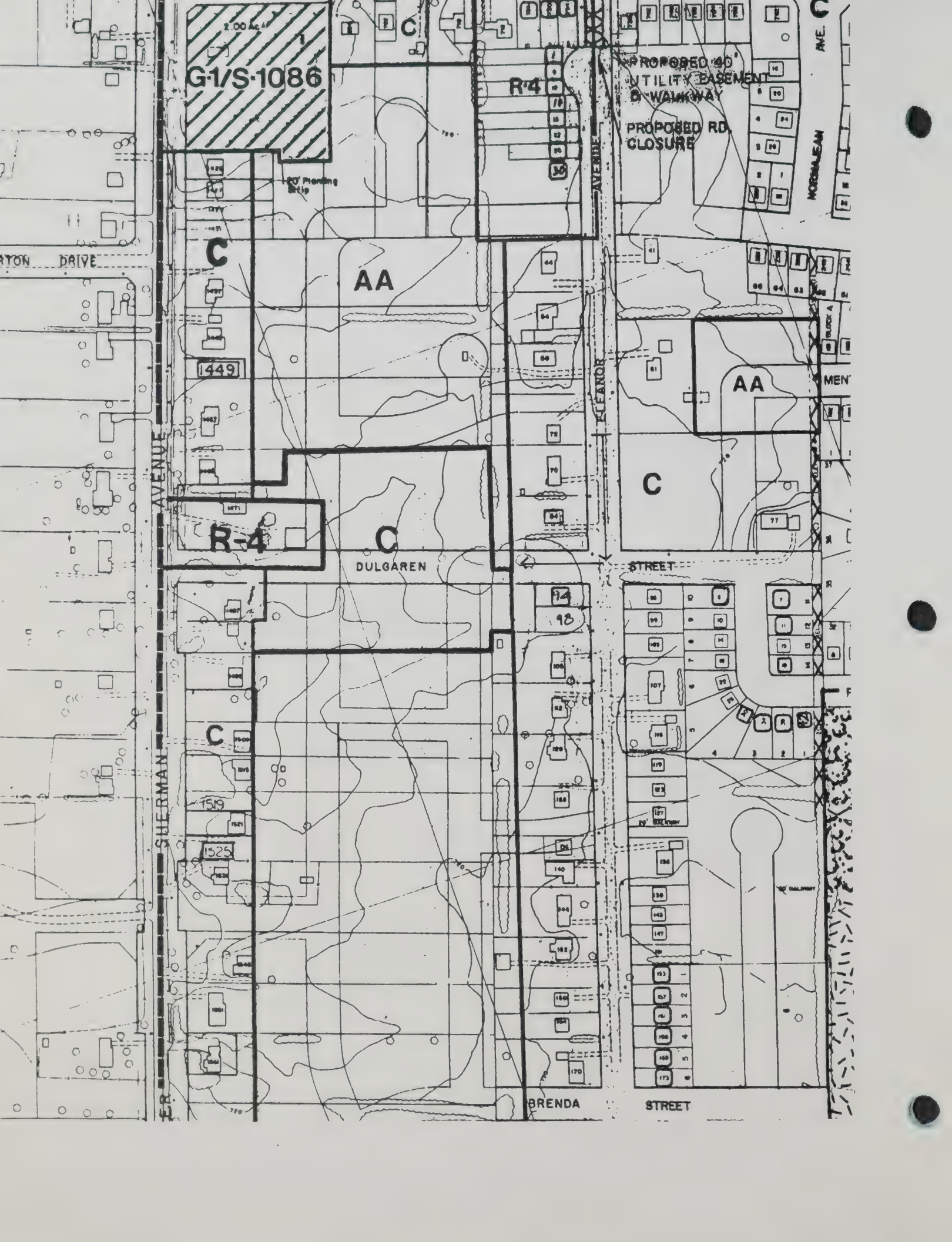
Should you have any questions or require additional information, please do not hesitate to contact me.

Yours very truly,

V. Sgro

Vito Sgro

cc:Regional Municipality of Hamilton-Wentworth



EXISTING SINGLE
FAMILY DWELLING
No. 61



REGISTERED PLAN No. 853

LOT 22

MENTINO CR.

FUTURE

119.96 N 71°24'20"W

BLOCK 16

BLOCK 15

BLOCK 17
(0.30m WIDE RESERVE)

5

6

4

7

3

8

2

9

1

10

REGISTERED PLAN No. 853

LOT 23

MENTINO CRESCENT

84.84 N 71°21'40"W

DULGAREN STREET

ESTABLISHED ACCORDING TO REGISTERED PLAN No. 853

67.97 N 17°12'00"E

30.81 N 10°27'00"E

CITY OF HAMILTON

2

- RECOMMENDATION -

DATE: 1999 January 21
ZAC-97-41
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Request for a modification in zoning – 233-235 Locke Street North

RECOMMENDATION:

That approval be given to Zoning Application 97-41, Anne E. Schoeman, owner, requesting a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, for property located at 233-235 Locke Street North, shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the required parking layout, grading, and landscaping.

City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

- (ii) That the "D" (Urban Protected Residential – One and Two Family Dwellings) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 10(1) of Zoning By-law No. 6593, the existing building may be used as a multiple dwelling containing not more than four (4) Class "A" dwelling units, subject to the Residential Conversion Requirements of Section 19;
 - (2) That notwithstanding Section 19 and Section 18A of Zoning By-law No. 6593, a minimum of four (4) parking spaces shall be provided and maintained;

- (3) Section 18A.(9) shall not apply;
- (4) Notwithstanding Section 10(3)(iii) of Zoning By-law 6593, a minimum rear yard depth of .20 m (.67 ft.) shall be provided and maintained for the existing attached concrete block building.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-11 be notated S- ;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,
- (v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, for property located at 233-235 Locke Street North, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit a maximum of four (4) dwelling units within the existing building. The by-law also provides for the following variances as special requirements:

- Requires a minimum of four (4) parking spaces to be provided and maintained, whereas five (5) parking spaces are required;
- Allows the four (4) parking spaces to be provided partially off-site without the required manoeuvring, by way of a boulevard parking agreement whereas required parking and manoeuvring is required on-site;
- Allows a rear yard of .20m (.67 ft) for the existing concrete block building whereas 7.5 m (25 ft) is required.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the parking area layout, grading, and landscaping.

City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified

District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

APPLICANT:

Anne E. Schoeman, owner.

BACKGROUND:

- Proposal

The applicant has applied for a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit four (4) dwelling units within the existing building, for the property located at 233-235 Locke Street North, shown on the attached map marked as Appendix "A". The existing building (Castle Dean) was designated in 1986 under the Ontario Heritage Act. This designation applies to the exterior of the building only (i.e. four walls and roof).

The applicant has advised that the existing building currently has four (4) self-contained units, each having a gross floor area in excess of 700.0 square feet (i.e. one (1) – one (1) bedroom unit, two (2) – two (2) bedroom units, and one (1) – three (3) bedroom unit) and proposes to provide four (4) parking spaces.

As per Building Department records, it should be noted that the use of the property is a legal non-conforming two family dwelling at 235 Locke Street North and a single family dwelling at 233 Locke Street North, as separate parcels. However, the new owner has merged the title of 233 Locke Street North and 235 Locke Street North, thereby creating one parcel of land.

- By-law 92-281

On November 10, 1992, City Council passed By-law No. 92-281 respecting Housing Intensification. This By-law revised zoning requirements to permit one accessory apartment unit in single-family zones (i.e. "AA", "B", "B-1", "C", "R-2", and "D" Zoning Districts), and only allows parking for one (1) dwelling unit to be within the required front yard provided that the required area for parking shall not occupy more than

50% of the gross area of the front yard, and not less than 50% of the area is landscaped.

LOT SIZE AND AREA:

- 19.71 m (64.6 ft.) of lot frontage on Locke Street North;
- 30.48 m (100.0 ft.) of lot frontage on Tecumseh Street; and,
- 594.9 m² (6,404.0 S.F.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands	Four (4) Family Dwelling	"D" (Urban Protected Residential One and Two Family Dwellings, etc.) District
Surrounding Lands		
To the north	Multiple Family Dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
To the south	Single Family Dwelling	"D" (Urban Protected Residential – One and Two Family Dwellings) District
To the east	Single Family Dwelling	"D" (Urban Protected Residential – One and Two Family Dwellings) District
To the west	One, two, and three Family Dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are Included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and

densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.”

In addition, the following policies of Subsection C.7 – Residential Environment and Housing Policy should be noted:

- “C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be “affordable” to Hamilton residents, and;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.”

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated “SINGLE AND DOUBLE RESIDENTIAL” on the approved Strathcona Neighbourhood Plan. The proposal does not conflict with the intent the Plan. A designation would not be required as the intended long term use for the area is Single and Double Residential.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:
 - LACAC;
 - Union Gas; and,
 - Hamilton Region Conservation Authority.
- The Roads Department had advised:
 - "1. According to our records the existing road allowance width of Locke Street North is 20.12m and the existing road allowance width of Tecumseh Street is 15.24m. In order to provide improved turning radii at the intersection of Locke Street North and Tecumseh Street, the applicant should be advised of a future 3m by 3m daylight triangle widening at the southwest corner of this intersection.
 2. In the absence of any other details shown, the applicant should be advised that any works which may occur within the Locke Street or Tecumseh Street road allowances must conform to the City of Hamilton Streets By-law."
- The Building Department has advised:
 - "1. The recognized use is a legal non-conforming two family dwelling at 235 Locke Street North and a single family dwelling at 233 Locke Street North, as separate parcels.
 2. The proposed use of four (4) dwelling units is considered a multiple dwelling, which is not a permitted use.
 3. A four (4) unit multiple dwelling requires five (5) parking spaces.
 4. The application indicates that there are five (5) parking spaces, however, the survey for 235 Locke Street North indicates four (4) parking spaces and none on 233 Locke Street North.
 5. Two (2) of the parking spaces do not have sufficient manoeuvring spaces and are not freely and readily accessible on the lot.
 6. The access driveway has not been indicated to the parking spaces to determine compliance.
 7. In 1961, at 235 Locke Street North, the concrete block garage was erected as an accessory building and it appears that the frame addition was erected since the garage was erected, which attached the concrete garage to the house. Therefore, the house, addition and garage do not provide the rear yard of 7.5m."

- The Public Works and Traffic Department has advised:

"As previously indicated, our review of the submitted plan and a site inspection indicate that only two parking spaces are provided on site that meet the requirements of the Zoning By-law in terms of size and manoeuvring space. With reference to a possible variance to reduce the required parking from 5 spaces to 2 spaces, we advise that we cannot support a reduction of 3 spaces.

Rather than reducing the required parking by 3 spaces, we suggest that the applicant investigate providing additional parking spaces in the area in front of the building to provide a minimum of 4 spaces or one parking space per unit. We would be prepared to support a reduction in the required parking from five spaces to four spaces."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Strathcona Neighbourhood Plan in that the lands are designated "SINGLE AND DOUBLE RESIDENTIAL". If approved a redesignation would not be required.
3. Notwithstanding that the By-law only permits conversion to a maximum of two (2) units, the proposal has merit and can be supported for the following reasons:
 - It would be compatible with existing development in the surrounding area which is comprised of a mix of one (1), two (2), and three (3) family dwellings and multiple dwellings. In this regard, the property immediately to the north is zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District; and,
 - It is an adaptive reuse of an existing historical residential building that will provide four (4) Class "A" Dwelling units in excess of 700 square feet each.
4. The applicant proposes to provide four (4) parking spaces (i.e. one per unit) within the northerly side yard along Tecumseh Street by way of a boulevard parking agreement (see APPENDIX "B").

With respect to the proposed parking within the boulevard, it should be noted that a variance from the general provisions of the Zoning By-law would be necessary to permit partial off-site parking and manoeuvring off-site. The Department of Public Works and Traffic has advised that they support the parking arrangement as shown on Appendix "B". The applicant will be required to apply for and receive approval of the appropriate boulevard parking agreement during Site Plan Approval.

5. The Building Department has advised that a variance is necessary to reduce the rear yard depth requirement from 7.5 m (25 ft.) to .20 m (.67 ft.) for the existing concrete block structure. This is an existing as built situation (i.e. the connection of the concrete block structure to the principle building). The variance is minor in nature and can be supported.

6. The "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District is subject to Site Plan Control By-law 79-275, as amended by By-law No. 87-223. Matters related to the required parking layout, grading, and landscaping will be further reviewed at the site plan approval stage of development.

Furthermore, it is recommended that the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the required parking layout, grading, and landscaping. City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/mm
ZAC9741

North

[illegible]

SKETCH OF PARKING AREA
APPENDIX 'B'

Office of the Municipal Clerk
MEMORANDUM

3.

TO: Tina Agnello, Secretary
Planning and Development Committee

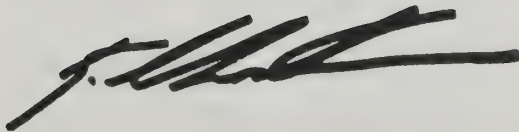
FROM: K. Christenson
Acting Municipal Clerk
Office of the Municipal Clerk

PHONE: (905) 546-2727

DATE: 1999 January 28

SUBJECT: ZA-98-22 for property at
1394 Upper Gage Avenue

City Council at its meeting of 1999 January 28 referred back section 5 of the 1st report of the Planning and Development Committee as attached hereto.



cc. Alderman Kelly (Face page)
Alderman Anderson (Face page)
L. Coveyduck, General Manager, Community Planning and Development Division (face page)
Victor Abraham, Director of Planning and Development (Face page)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 5
ZAC-98-22
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: Request for a further modification in zoning – 1394 Upper Gage Avenue

RECOMMENDATION:

That approval be given to **Zoning Application ZAC-98-22, Cantrico Investments Inc., owner,** for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations to permit the temporary use of the lands for a third party/billboard sign for a period of 3 years, under Section 39 of the Planning Act, for property located at 1394 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law Nos. 81-190, 81-244 and 82-19, be further modified in accordance with Section 39 of the Planning Act, to the extent only of the special requirements that:
 - (a) A third party/billboard sign shall be permitted for a period not exceeding three years from the day of the passing of the by-law;
 - (b) Notwithstanding Section 18.(15)(2)(d) of Zoning By-law No. 6593, the third party/billboard sign permitted in (a) above, shall be a minimum of 7.0 m from the westerly lot line;
- (ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-751c, and that the subject lands on zoning District Map E-38C be notated S-751c;
- (iii) That the City/Regional Solicitor be directed to prepare a by-law to amend Zoning By-law 6593 and Zoning District Map E-38C for presentation to City Council;
- (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- Third party/billboard signs are only permitted in: “G-1”, “G-2”, “H”, “HH”, “J”, “JJ”, “K”, and “KK” Districts;
- Third party/billboard signs are only permitted as ground or wall signs;

- A maximum of one sign with two faces are permitted per property;
- A minimum radial separation distance of 100 m between each third party/billboard sign;
- A third party/billboard sign shall be a minimum of 30 m from a residential district;
- A third party/billboard sign shall have a maximum height of 10 m and a maximum sign area of 25 m² per face; and,
- Illuminated third party/billboard signs shall have a steady light source and shall be suitably shielded to contain illumination.

The purpose of the by-law is to reduce clutter and over-concentration of billboard signs and to mitigate the impacts (eg. Visual intrusion) on nearby residential uses.

APPLICANT:

Cantrico Investments Limited

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 38.1 m on Stone Church Road East;
- A frontage of 55.8 m on Upper Gage Avenue; and,
- A lot area of approximately 2125 m².

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Variety store	"H" (Community shopping and Commercial, etc.) District, modified
<u>Surrounding Lands</u>		
To the north	Service station, car wash, Drive-thru restaurant	"HH" (Restricted Community Shopping and Commercial, etc.) District modified
To the east	Service station	"H" (Community Shopping and Commercial, etc.) District, modified

To the south	Single family dwelling	"L-mr-1" (Planned Development – Multiple Residential) District, modified
To the west	Vacant	"L-mr-1" (Planned Development –Multiple Residential) District, modified

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule 'A' – Land Use Concept of the Official Plan. The following policy applies, amongst others:

"D.3.8 In accordance with the Planning Act, Temporary Use By-laws may be used to permit the use of lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said By-law. The provisions regarding timing and extensions to such By-laws will apply."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Eleanor Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

The Hamilton Region Conservation Authority, and the Department of Public Works and Traffic have no comment or objection.

The Regional Environment Department advise:

"...there are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Stone Church Road is 30.38m and the designated road allowance width of Upper Gage Avenue is 35.58m. In accordance with these designations, the Region of Hamilton-Wentworth previously acquired the required road allowance widenings by Instrument Nos. 143979 C.D. and 115608 C.D. and shown as Parts C and D on Reference Plan 62R4473 respectively. Therefore we do not anticipate any further road allowance widenings at this time.

Any other works which may occur within the adjacent road allowances, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

The Building Department advises:

- "1. A third party billboard ground sign is not permitted under present Site Specific By-law 81-190.
2. The Site Specific By-law 81-190 only permits a combined gas bar and retail variety store and accessory uses thereto.
3. Presently the site is only used for a retail variety store.
4. The maximum height of the sign is 10.0m."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Eleanor Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis:
 - The proposal complies with Section 39 of the Planning Act;
 - The proposal complies with the intent of the Official Plan which permits the temporary use of vacant land;
 - By-law No. 96-092 as amended by an OMB Order, permits third party/billboard signs in the "H" District subject to specific performance criteria. By-law Nos. 81-190, 81-244 and 82-19 however, permit only a variety store and gas bar on the subject lands, and therefore does not permit a third party/billboard sign; and,
 - The adjacent lands to the west and south are designated Medium and Low Density Apartments and zoned "L-mr-1" (Planned Development – Multiple Residential) District and are vacant. Approval of the application on a temporary basis for not more than three years, would not prejudice the future development of these lands for multiple residential development in accordance with the approved Neighbourhood Plan.
3. The proposed third party/billboard sign is located 7 m from lands zoned "L-mr-1" (Planned Development – Multiple Residential) District. By-law No. 96-092 as amended, permits third party/billboard signs no closer than 30 m to a residential district. The proposal meets the intent of By-law 96-092 except for the minimum setback requirement from a residential district. A variance to reduce the minimum 30 m setback from a residential district can be supported on the basis that the adjacent "L-mr1" District lands are vacant and the closest existing residential uses are approximately 53 m to the west at Epic Place.

CONCLUSION:

Based on the foregoing, the application can be supported.

CFLVZAC-98-22



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

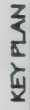
Legend



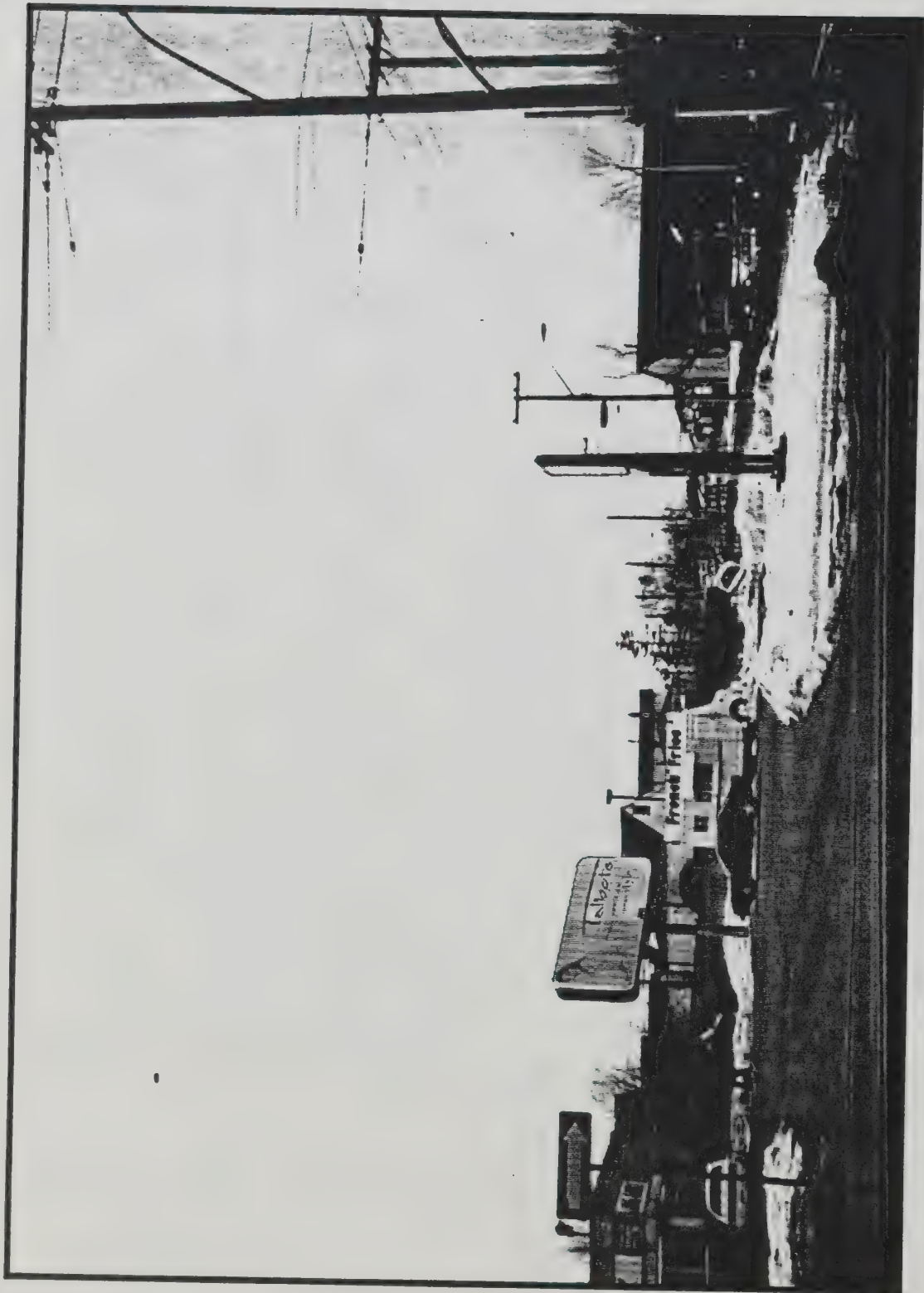
Site of application

Reference file:
ZAC-98:22Scale
Not to ScaleDate
December, 98Technician:
F.N.APPENDIX
A

UPPER GAGE AVENUE



DRAWN BY: G.C.



4a)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 20
CDM-CONV-98-014
Red Hill Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion,
2 Cherry Hill Avenue – 89-101 Mount Albion Road

RECOMMENDATIONS:

- (a) That approval be granted to application CDM-CONV-98-014 (Regional File 25CDM-98020) submitted by Four M & C Holdings Ltd., owner, for a draft plan of condominium for property located at No. 2 Cherry Hill Avenue – 89-101 Mount Albion Road, as shown on the attached Plan marked as APPENDIX "A", to provide for a condominium comprised of 8 individual townhouse condominium units, subject to the following conditions:
- i) That this approval applies to the attached draft plan dated September 29, 1998 (APPENDIX "A") prepared by A.T. McLaren Limited;
 - ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City/Region Law Department;
 - iii) That prior to approval of the final plan,
 - 1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

- 2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593.
- (b) That the Municipal Clerk be directed to advise the Director of Development of the Community Planning & Development Division of Council's decision.

Leahm Cavendish

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This application is processed under the authority of the Planning Act and the Condominium Act.

BACKGROUND:

Applicant:

Four M & C Holdings Ltd., owner.

Surveyor:

S.D. McLaren O.L.S., A.T. McLaren Limited

Location:

Known municipally as 2 Cherry Hill Avenue, 89, 91, 93, 95, 97, 99 and 101 Mount Albion Road, the subject property is 0.219 ha in size and contains an 8-unit townhouse structure constructed in 1968 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 8 unit rental townhouse structure to condominium status (see APPENDIX "A"). Four of the units were three-bedroom and the other four units were two-bedroom. The average market rent for the two-bedroom units was occupied units was \$462; the average market rent for the three-bedroom units was \$494.

The owner/applicant will be undertaking renovations to the townhouse complex after a consultation is held with the tenants to determine priorities.

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on October 5, 1998, the City's Official Plan Amendment (OPA) addressing the issue of condominium conversions and demolitions of rental housing was under appeal to the Ontario Municipal Board. However, the appeals for OPA No. 151 were formally withdrawn from the Ontario Municipal Board on October 9, 1998. Although the City's Official Plan at the time of the writing of this report does contain condominium conversion policies legally in effect, at the time the application was deemed complete, the OPA 151 policies had a Council-adopted policy status as they were adopted by By-Law #98-197 on July 7, 1998. It is from this context that the proposed conversion to condominium at 2 Cherryhill Avenue – 89-101 Mount Albion Road will be evaluated.

Neighbourhood Plan:

The subject lands are designated as "Attached Housing" in the Redhill Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

Zoning:

The subject lands are zoned "DE-3/S-64" (Multiple Dwellings). The Building Department has commented as follows:

"COMMENTS:"

1. The recognized use is a legally established non-conforming 8-unit row dwelling (townhouse) with ten (10) parking spaces.
2. A minimum 25% landscaping is required to be provided on site. The percentage of landscaping has not been indicated."

Council Policy in Regard to Condominium Conversion Matters:

As noted previously, as OPA No. 151 was adopted by City Council on July 7, 1998 by By-law #98-197, the policies within the OPA formally represent Council's position on condominium conversion matters. The key facet of this Official Plan Amendment states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) *the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) *the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) *the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "East Hamilton" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 3 - East End" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. It should be noted that CMHC has experienced delays in releasing the final October, 1998 Rental Market Survey results. However, preliminary CMHC figures indicate that the rental vacancy rates for the City of Hamilton and the respective market zones have increased from October, 1997 to October, 1998. The relevant rental townhouse market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy Statistical Market Analysis

Rental Townhouse Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>East Hamilton</u>
October, 1996	8.00%	18.81%
October, 1997	8.68%	20.18%

Impact on Townhouse Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>East Hamilton</u>
Pre-Conversion	8.68%	20.18%
Post-Conversion	8.73%	20.56%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>Cherryhill/ Mount Albion (Sept/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>East Hamilton (Oct/97)</u>
Two-Bedroom	4	\$462	\$607	\$557
Three-Bedroom	4	\$494	\$768	\$744

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Four M&C Holdings Ltd.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at Cherryhill/Mount Albion Road satisfies this test as the rental townhouse vacancy rate within the East Hamilton local housing market zone and the City of Hamilton as at October, 1996 and October, 1997 were well over the 2.0% vacancy rate threshold.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the rental townhouse vacancy rate for the City or East Hamilton local housing market zone to below 2.0%. Therefore, this criteria is satisfied.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

It should be noted that the CMHC data for average townhouse rent for three-bedroom units also includes four-bedroom units as well. As a result, the figure provided by CMHC will likely overstate the actual average market rent for three-bedroom townhouse units.

The average market rent for the two-bedroom townhouse units in Cherryhill/Mount Albion Road is approximately 24% below the City of Hamilton average and 17% below the East Hamilton local housing market zone average. For three-bedroom units, the average market rent in Cherryhill/Mount Albion Road is 36% below the City of Hamilton average and 34% below the East Hamilton local housing market zone average.

As a result, criteria (iii) has not been satisfied as the average market rents at Cherryhill/Mount Albion are "significantly below" the average market rent levels for the City and the respective local housing market zone.

Although only eight units are under consideration, the proposed conversion of the rental townhouse complex at 2 Cherryhill Avenue – 89-101 Mount Albion Road to condominium status technically conflicts with criteria (iii) of Council's OPA No. 151 condominium conversion policy adopted by By-law #98-197 on July 7, 1998.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff has reviewed all of the criteria and two specific criteria have been identified that are particularly relevant in regard to the proposed Plan of Condominium at 2 Cherryhill – 89-101 Mount Albion. The preamble to this section of the Planning Act and the two criteria that are particularly relevant are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) the adequate provision of a full range of housing;"*

Analysis:

The use of the word "adequate" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "adequate" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "full range of housing" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings;
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative; and,
- 3) a range of housing in various levels of cost are available in both rental and ownership forms of tenure.

The table below is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 6 months of 1998.

Row/Townhouse Dwelling Starts
City of Hamilton

	<u>Private Rental</u>	<u>Assisted Rental</u>	<u>Owner</u>	<u>Sub- Total</u>	<u>All Starts</u>	<u>Percent Row</u>
1998-Q2	8	0	0	8	59	13.6%
1997	28	0	196	224	722	31.0%
1996	0	6	82	88	436	20.2%
1995	0	34	57	91	548	16.6%
1994	0	13	41	54	741	7.3%
1993	0	231	26	257	662	38.8%
1992	0	238	16	254	824	30.8%
1991	0	443	95	538	971	55.4%
1990	130	0	368	498	1502	33.2%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there has been minimal new rental row/townhouse starts in the City of Hamilton. However, the construction of row/townhouse units targeted for the ownership sector has remained fairly steady and it is likely a small number of these units would be utilized as rental units. CMHC has also indicated there are 12 "pending starts" of row/townhouse housing units targeted for the ownership sector in the City of Hamilton.

According to CMHC, a rental townhouse vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental townhouse vacancy rate is also an indicator of the demand for rental townhouse units within a particular area. Although there has been absence of new townhouse rental units since the termination of the various non-profit and co-operative programs, the demand for townhouse rental units is considerably weak as evidenced by a townhouse vacancy rate of over 8.0% as of October, 1997 for the City of Hamilton. In fact, since October, 1991, the rental townhouse vacancy rate for the City has been at or above 2.4%.

Considering the rental townhouse vacancy rate for the City of Hamilton has been at or above 3.5% since October, 1992, combined with a townhouse vacancy rate of over 20% in the East End rental sub-market area, this is a firm indication that the demand for rental townhouse units in Hamilton and specifically within the East End continues to be weak. This weak demand is likely a result of families with children, the key target market for rental townhouse units, moving into the ownership marketplace.

As was noted previously in the analysis of the City's condominium conversion policy, the average market rent for the units within Cherryhill/Mount Albion were recorded as being below the average market rent for similar units in both the East End sub-market area and the City of Hamilton.

However, a review of additional statistics provided by CMHC indicate that the rental apartment vacancy rate for units within in the \$500-599 and \$600-699 rent range is in a balanced, competitive situation, which is shown in the table below.

Rental Townhouse Vacancy Rate, October, 1997

<u>Rent Range</u>	<u>East End Sub-Market</u>	<u>City of Hamilton</u>
\$500-599	38.8%	29.6%
\$600-699	3.8%	1.9%
All Rents	22.9%	8.8%

Data Source: Canada Mortgage and Housing Corporation.

The above data indicates that alternative accommodation is available elsewhere in the sub-market area and in the same general rental price range as the units being proposed for conversion at Cherryhill/Mount Albion. The rental vacancy rates show that the rental market in this area of Hamilton and within this general price segment is in a balanced, competitive situation.

Accordingly, removal of the 8 rental townhouse units would not act as a negative market influence in the current rental townhouse context within the East End sub-market area or the City of Hamilton. This is because of the small number of units involved, the very high overall rental townhouse vacancy rates and the availability of similarly priced alternative rental accommodation. The approval of the rental townhouse units for conversion to condominium at Cherryhill/Mount Albion would not be premature and, in addition, the proposal would not adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section did not provide comments.

The Traffic Division, Department of Public Works and Traffic advised the following:

"No comments."

The Building Department advised the following:

"COMMENTS:

1. The recognized use is a legally established non-conforming 8-unit row dwelling (townhouse) with ten (10) parking spaces.
2. A minimum 25% landscaping is required to be provided on site. The percentage of landscaping has not been indicated."

In response to this comment, the surveyor for the owner/applicant indicated that the landscaped area of the site is 51%. Accordingly, this percentage landscaped area does not conflict with this facet of the Zoning By-law.

TENANT OPINIONS/CONCERNS:

At the time the Plan of Condominium application was submitted to the City for processing, a pre-stamped short survey questionnaire was mailed to all tenants. Of the total 8 surveys that were mailed, all 8 surveys were returned with the following results:

- | | | |
|---------------|---------------------------------|---|
| 1. Are you... | in favour of the proposal? - | 2 |
| | opposed to the proposal? - | 3 |
| | undecided? - | 3 |
| 2. Do you... | intend to purchase a unit? - | 1 |
| | prefer to remain as a tenant? - | 5 |
| | undecided? - | 2 |

In response to the above survey results, an informal Information Meeting to discuss the proposed conversion to condominium was held on December 17, 1998. In attendance were Alderman Fred Eisenberger, staff from the Planning and Development Department, tenants from all eight units, the owner/applicant and legal and financial representatives of the owner/applicant. The meeting was very productive as a great deal of information was exchanged between the owner/applicant and the tenants on the proposed conversion.

The owner of the townhouse project made a commitment to meet with the existing tenants to discuss the priority areas for future renovations. As well, a major topic of discussion was the legal rights of tenants in the context of a condominium conversion under the new Tenant Protection Act.

To this end, all eight of the tenants signed a letter confirming their understanding of their legal rights as tenants under the Tenant Protection Act in the case of a condominium conversion. The letter further indicated that "I/we hereby confirm that we do not object to the above-noted proposed conversion".

COMMENTS:

1. A rental townhouse vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental townhouse vacancy rate for the East End sub-market area was recorded by Canada Mortgage and Housing Corporation at 20.2% in October, 1997 and 18.8% in October, 1996 while the overall rental townhouse vacancy rate for the City of Hamilton is over 8.0%. Accordingly, there is an excess supply of rental townhouse units and the proposed conversion to condominium is not premature and will not adversely affect the adequate provision of a full range of housing.
2. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (October 5, 1998).
3. Hamilton Official Plan Amendment No. 151 is at the present time legally in effect. However, at the time this application for conversion to condominium was deemed complete by the Region of Hamilton-Wentworth and forwarded to the City of Hamilton for comment, OPA No. 151 was under appeal to the Ontario Municipal Board.

For the information of the Committee, in this specific example of Cherryhill/Mount Albion, although only 8 units are under consideration, the proposed conversion would have technically conflicted with the third test of the Condominium Conversion policies if they were legally in effect within the Hamilton Official Plan at the time this application was received. As such, an Official Plan amendment in the form of a "notwithstanding clause" would have been required.

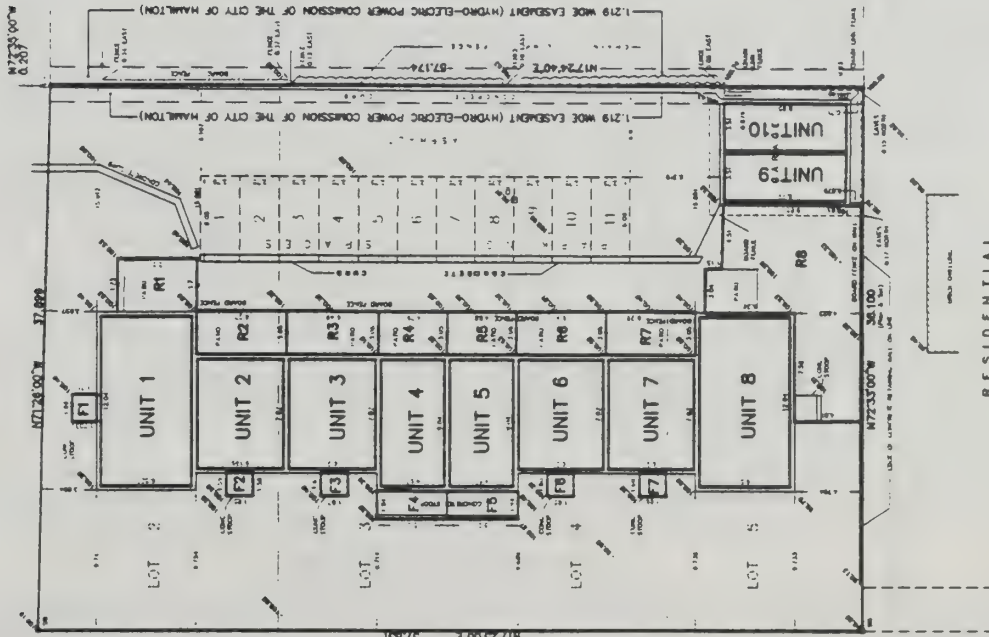
CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium can be supported.

KE/ke

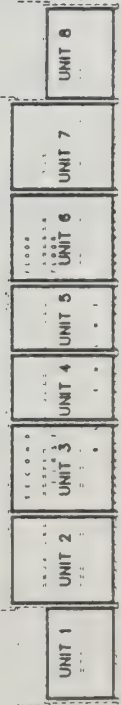
CHERRYHILL AVENUE
(EXIST. R/W)

LOT 15
LOT 14
LOT 13
LOT 12



RESIDENTIAL

25CDM-98020



SECTION TO ILLUSTRATE EXTENT OF UNITS 1-8
RESIDENTIAL TOWNHOUSES



SECTION TO ILLUSTRATE
EXTENT OF UNITS 9 AND 10
PARKING UNITS

KEY PLAN Scale: 1:10,000

DRAFT PLAN OF CONDOMINIUM
OF
#89 -101 MOUNT ALBION ROAD
AND
#2 CHERRYHILL AVENUE
LOTS 2, 3, 4, AND 5
PLAN M-2

IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
SCALE: 1:200 metres

3.0 McLAREN O.L.S. - 1999

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:
THE BOUNDARIES OF THE LANDS TO BE SURVEYED AS
SHOWN ON THIS PLAN AND THE RELATIONSHIP TO THE
ADJACENT LANDS ARE ACCURATE AND CORRECTLY SHOWN.

DATE: 23 MARCH 1999

SIGNATURE: [Signature]

MEETING NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 3.048.

BENCHMARK NOTE:
THE BENCHMARK USED FOR THIS SURVEY IS A LOT CORNER ON THE
EASTERN CORNER OF THE INTERSECTION OF MOUNT ALBION
ROAD AND CHERRYHILL AVENUE.
ELEVATION = 100.00

BEARING NOTE:
THE BEARING SHOWN ON THIS PLAN ARE REFERRED TO THE EASTERN LIMIT OF
MOUNT ALBION ROAD AS SHOWN ON PLAN D-2 AS BEING N77°11'11"E

SECTION 51 (17) PLANNING ACT - AS REVISED

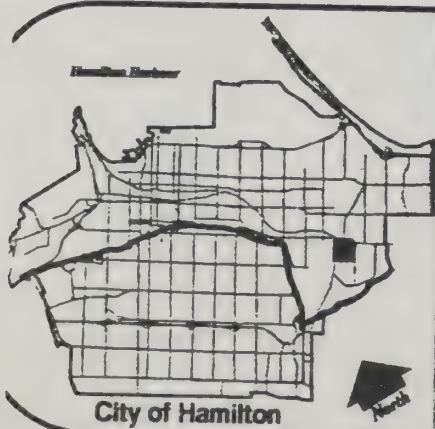
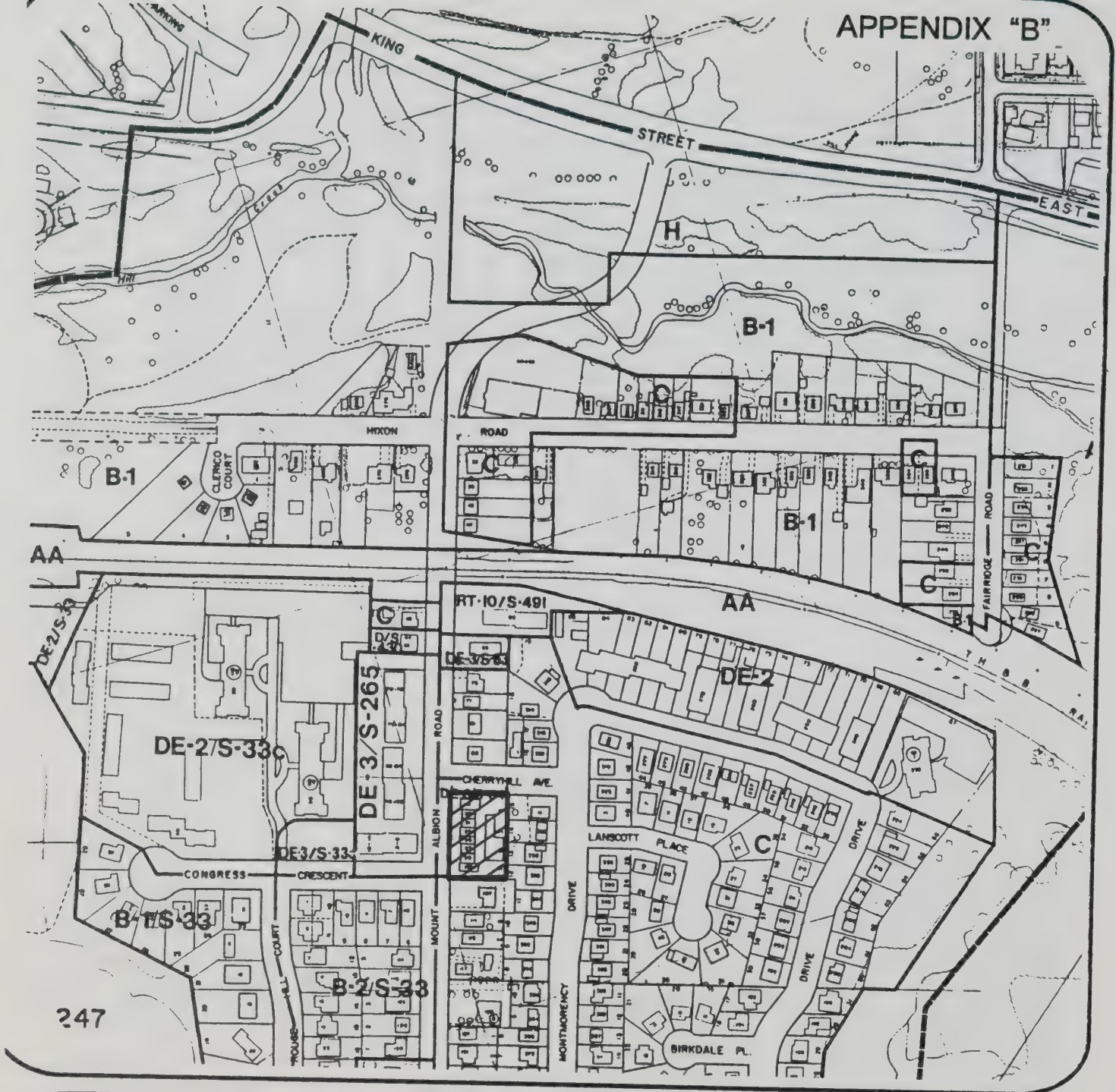
- (A) SHOWN ON PLAN
- (B) SHOWN ON PLAN
- (C) SHOWN ON PLAN
- (D) SEE SCHEDULE
- (E) SHOWN ON PLAN
- (F) SHOWN ON PLAN
- (G) SHOWN ON PLAN
- (H) MUNICIPAL PREPARED WATER AVAILABLE
- (I) CLAY LOAM
- (J) SHOWN ON PLAN
- (K) MUNICIPAL SERVICES EXISTING
- (L) SHOWN ON PLAN

SCHEDULE

TOTAL AREA OF SITE = 2191 Sq.m
TOTAL NUMBER OF RESIDENTIAL UNITS = 8
TOTAL NUMBER OF PARKING SPACES = 0
TOTAL NUMBER OF RESIDENTIAL UNITS = 0
TOTAL RESIDENTIAL PARKING SPACES = 13
MAXIMUM BUILDING HEIGHT = 2 STOREY
CONSTRUCTION TO COMMENCE IN = EXISTING BUILDING

NOTE:
AREAS NOT DESIGNATED AS UNITS ARE
PART OF THE COMMON ELEMENTS
AREAS DESIGNATED WITH THE PREFIX "Y" AND
"W" ARE FOR THE EXCLUSIVE USE OF THE
UNIT OR UNITS TO WHICH THEY ARE ATTACHED
HAVING THE SAME NUMBER

A.T. McLaren Limited
SURVEYORS AND ENGINEERS
40 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 3M8
PHONE: (905) 877-8888 FAX: (905) 877-0033



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of CDM-CONV 98-014

Reference file:
CDM-CONV 98-014

Scale
Not to Scale

Date
January, 1999

Technician:
FAB

APPENDIX A

4b)

CITY OF HAMILTON - RECOMMENDATION -

DATE: 1999 January 21
DA-98-44
Kentley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Site Plan Control Application DA-98-44 for the expansion of the existing Fortino's grocery store at Eastgate Square (75 Centennial Parkway North)

RECOMMENDATION:

- (a) That approval be given to Site Plan Control Application DA-98-44, Cadillac Fairview Corp. for lands located at 75 Centennial Parkway North, to permit a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store located at Eastgate Square, as shown on the attached map marked as APPENDIX "A", subject to the following:
- (i) modification to plans in relation to notes and dimensions, as marked in red on the plans;
 - (ii) submission of a revised landscaping plan to the satisfaction of the Director, Planning and Development Department;
 - (iii) submission of a revised grading plan to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;
 - (iv) that the applicant enter the necessary agreements, to be approved by the City of Hamilton Transport and Environment Committee, for the roadway alterations required on Delawana Drive and Centennial Parkway;
 - (v) the applicant dedicate to the City of Hamilton any lands required for road widening purposes of Delawana Drive as a result of the proposed roadway improvements to maintain the Utilities in their respective corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance;
 - (vi) the applicant enter into an encroachment agreement with the City of Hamilton for the existing and proposed landscaped berms and trees within

the Delawana Drive road allowance;

- (vii) that the applicant apply for and receive final approval from the Committee of Adjustment for relief from the provisions of the City of Hamilton Zoning By-law No. 6593, as amended by By-law No. 71-79, or for a Zoning By-law amendment, to permit the expansion of the existing Fortino's grocery store and the reconfiguration of the parking, driveway and landscaped areas; and,
- (viii) that the City of Hamilton Transport and Environment Committee be requested to approve the removal of the 12 existing trees located within the Delawana Drive and Centennial Parkway North road allowances, to permit the relocation of the driveway access points, conditional upon the applicant paying all costs associated with the removal and replacement of said trees.

Lee Ann Casey Clerk

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council approval is required for a Site Plan Control application.

BACKGROUND:

Plans have been submitted for a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store at Eastgate Square (known municipally as 75 Centennial Parkway North), as shown on the attached map marked as APPENDIX "A". In addition, the applicant is proposing to reconfigure the access driveways and parking areas on the north-easterly quadrant of the subject lands.

The details of development are as follows:

- Net Lot Area: 17.60 ha
- Building Coverage
 - Existing: 56,783 m²
 - Proposed: 59,057 m²
- Building Height: 1 storey (10.9 m)
- No. of Parking Spaces
 - Existing: 3,156 spaces*
 - Proposed: 3,119 spaces*
- Exterior Building Materials: Concrete block, stucco and prefinished metal siding

* Note: Of the total on site parking provided, 272 spaces are located within the City of Stoney Creek.

COMMENTS RECEIVED:

The Traffic Division, Department of Public Works and Traffic has advised that the applicant will be responsible for all costs associated with the modifications to Delawana Drive and Centennial Parkway such as the widening of the roadway, construction/relocation of the raised concrete island, restoration of the sidewalk and boulevard and the removal and installation of pavement markings. In addition, the Traffic Division has also advised that the applicant will be required to obtain the necessary municipal approvals for the removal and replacement of the trees within the road allowance to facilitate the relocation of the driveway accesses (see APPENDIX "B").

The Building Department has advised that the applicant will be required to clarify the existing and proposed building coverage and gross floor area. The applicant is proposing to revise the layout of the parking and driveway areas and the landscaping areas from that shown on Schedule "B" of By-law 71-79. Therefore, the applicant will be required to apply for and receive final approval from the Committee of Adjustment to permit the proposed expansion (see APPENDIX "C").

The Regional Environment Department has commented on various matters dealing with the grading plan, works within the road allowances and day-light visibility triangles. In addition, they have advised that prior to the placement of any plantings within the road allowances, the applicant will be required to enter into an encroachment agreement with the Region of Hamilton-Wentworth (see APPENDIX "D").

The Horticulture Section, Department of Public Works and Traffic have advised that there are twelve trees that will have to be removed to accommodate the proposed access driveways. The trees average 20 cm (8") in diameter and are of a Norway Maple variety. In accordance with City of Hamilton By-law No. 92-155, the applicant will be required to obtain approval from City Council for the removal of these trees, and is responsible for the equivalent replacement tree costs. The total cost for the removal and replacement of these trees is \$11,449 (see APPENDIX "E").

COMMENTS:

Modifications are required to the plans related to the reconfiguration of the access points, daylight triangles, etc. in response to comments from the various departments.

The Building Department has advised that the applicant will be required to clarify the existing and proposed building coverage and gross floor area. The applicant is proposing to revise the layout of the parking and driveway areas and the landscaping areas from that shown on Schedule "B" of By-law 71-79. Therefore, the applicant will be required to apply for, and receive final approval from, the Committee of Adjustment for a variance from the site plan schedule of By-law 71-79 or for a Zoning By-law amendment.

As part of the proposed expansion, the applicant is proposing to relocate the access driveways from Centennial Parkway North and Delawana Drive. The applicant will be required to enter into the appropriate agreements with the City of Hamilton for the proposed

roadway alterations. The agreements will require the approval of the Transport and Environment Committee. The applicant will be responsible for all costs associated with the road works, utility relocation, municipal advertisement, etc.

As a result of the relocation of the access driveways onto Centennial Parkway North and Delawana Drive, it will be necessary to remove several trees within the boulevard portion of the road allowance. The Forestry Section has advised that the applicant will be responsible for all costs associated with the removal and replacement of the trees. The cost for the removal of the trees is as follows:

- Cost to remove 12 trees: - \$ 1,100.00
- Cost to install and maintain 24 large calliper trees: - \$ 9,600.00
- Total Cost (including G.S.T.): - \$11,449.00

City Council approval will be required for the removal and replacement of the trees within the road allowances.

The Regional Environment Department has advised that a revised grading plan is required to clarify existing and proposed grades and slopes to accommodate storm water management. In addition, the applicant will be required to enter the necessary agreements, to be approved by the City of Hamilton Transport and Environment Committee, for the roadway alterations required on Delawana Drive and Centennial Parkway.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.



DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

CITY OF
HAMILTON

TRAFFIC DIVISION

1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-4510 / Fax (905) 546-2419

1998 December 8

Mr. V. J. Abraham, M.C.I.P.,
Director
Planning and Development Department

Attention: Stephen Robichaud

Dear Sir:

Re: DA 98-44
75 Centennial Parkway

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 08 1998	
FBI - HAMILTON	
SR	

In response to your letter of 1998 November 11, please be advised that we have reviewed the above application and have the following comments.

Access to Delawana Drive

The applicant should be advised that all modifications to Delawana Drive such as the widening of the roadway, construction of the raised concrete island, restoration of the sidewalk and boulevard and the removal and installation of pavement markings will be at the sole expense of the developer.

Access to Centennial Parkway

The applicant be advised that all modifications to Centennial Parkway such as the relocation of the raised concrete island, the restoration of the sidewalk and boulevard and the removal and installation of pavement markings will be at the sole expense of the applicant.

Landscape Plan

The landscape plan indicates that a number of City trees within the road allowance of Delawana Drive and Centennial Parkway are to be removed to facilitate the relocation of the accesses. The removal of these trees requires City approval. The applicant should be advised to contact Mr. C. Keenan of the Forestry Section of the Public Works and Traffic Department.

Should you require any further information, please contact me at 546-4584.

Yours truly,

A handwritten signature in black ink, appearing to read 'Hart Solomon', with a stylized, cursive script.

Hart Solomon, P. Eng.
Manager of Traffic Engineering and Operations

BF/kag

c.c. Harold Groen, Development Co-ordinator, Roads Division



CITY OF
HAMILTON

BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario L8P 4Y5
Telephone (905) 546-2720 / Fax (905) 546-2764

FILE: DA-98-44

ATTENTION OF: John Gamble
PLANNING & DEVELOPMENT
TELEPHONE NO: (905) 546-2004

November 30, 1998

PRESENT ZONING: G-1/S-199 and 199a

Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Attention: Stephen Robichaud

Dear Stephen:

RE: DA-98-44
75 CENTENNIAL PARKWAY NORTH

FILE NO.	DEC 03 1998			
TO	INIT.	INFO	ACT	
DIR.				
PL & D				
INT.				
FILE				
STAFF				
CART.				
ADMIN.				

The above, under cover of your letter dated November 11, 1998, has been examined.

COMMENTS:

The plan does not conform in the following particulars:

1. The building coverage proposed, at 635,690 square feet is greater than the 615,000 permitted in the original Site Specific By-Law 71-97. Also, no building plans are available showing mechanical rooms, electrical rooms, or public utility areas not considered as gross floor area in the By-Law. This should be accurately shown and calculated before a variance is sought.
2. The gross floor area proposed at 550,089 square feet is greater than the maximum 548,000 square feet permitted in Committee of Adjustment Decision A-79:189. As in 1. above, accuracy should be verified.
3. The number of parking spaces provided on lands in the City of Hamilton is 2847, less than that permitted in the original Site Plan as modified by variance, and less than the 3026 parking spaces required.

Continued on Page Two

4. The layout of the parking and driveway, and landscaping areas will be altered from that shown as Schedule B of By-Law 71-79 (and as later modified by variance), and must itself be permitted by the Committee of Adjustment.
5. The required number of loading spaces, for the shopping centre, dimensioned 18.0m long by 3.7m wide and 4.3m high is 10; all spaces are not clearly shown on the Site Plan.
6. Business identification signs are not to exceed 2.0m in height, and the total aggregate face area of all the signs is not to exceed an area calculated as 0.5m^2 of sign face for each 0.5m of exterior lineal building face.

Yours truly



for the Building Commissioner

JG/zr

Regional Environment Department

Memorandum

TO: P. D. Mallard, M.C.I.P., R.P.P.
Division Head
Development and Urban Design

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

DATE: 1998 December 21, 1998

SUBJECT: Site Plan Control Application DA-98-44
for 75 Centennial Parkway North

Your File: DA-98-44

Our File: E220-1102
Phone: (905) 546-4142

The grading plan submitted dated November 13, 1998 will be approved with respect to grading when the following revisions have been dealt with.

1. The grading plan must be stamped by an Engineer, Architect or Landscape Architect.
2. A notation should be shown on the grading plan as to how the roof leaders of the proposed buildings are to discharge either directly to the storm sewers or overland.
3. Should the applicant/owner choose to discharge overland we will require a stormwater management report prepared by a qualified Engineer, showing that this development will have no negative impact on the subject or abutting properties.
4. The proposed catch basins within the access off Centennial Parkway must be located entirely on private property.
5. If the proposed cross-sections are to be included on a sheet other than the grading plan a reference must be included on the grading plan advising of their location.
6. A cross-section should be provided for the proposed swale on the west side of the driveway off Delawana Drive. We recommend that the outlet for the proposed swale not be across the concrete walk as this may pose a potential safety hazard especially when freezing occurs.

Cont'd...

Site Plan Control Application DA-98-44
for 75 Centennial Parkway North

Cont'd...

7. At the north east corner of the new expansion the proposed sidewalk should have a minimum 1.0 % slope to promote adequate drainage.
8. Within the driveway access off Delawana Drive please provide clarification with respect to the driveway/gutter elevation and the top/back of walk elevation, keeping in mind that our maximum sidewalk cross fall is 2.0 %.

In addition, at the north west corner of the access a portion of the proposed walk appears to be significantly higher than the standard walk height of 0.15 m, please review.

9. Proposed top and bottom wall elevations should be provided at the start and end of the retaining wall located at the south corner of the new expansion. If the retaining wall is to be over 1.0 m in height a typical cross section should be provided at a point where the wall is 1.0 m or greater.

Retaining walls 0.6 m in height or greater require construction of a fence or guard rail at the top of the rear of the wall. A note to this affect should be included on the plan.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that a qualified professional engineer, architect or landscape architect must stamp the estimate.

Sewer and/or water permits are required for all proposed servicing work external to the building. Prior to making application for these permits a copy of the servicing drawings (final design) must be submitted to the Regional Environment Department for review.

The following comments were received from the Regional Transportation Department, Roads Division.

1. The designated road allowance width of Queenston Road is 36.58 m. In accordance with this designation the applicant/owner should be advised of a future road allowance widening to the Region of Hamilton-Wentworth of a strip of land approximately 4.57 m in width on the portion of the property within the City of Stoney Creek.

Cont'd...

Site Plan Control Application DA-98-44
for 75 Centennial Parkway North

Cont'd...

2. The designated road allowance width of Centennial Parkway is 36.58 m. In accordance with this designation, the applicant/owner should be advised of a future road widening to the City of Hamilton of a strip of land approximately 3.048m in width on the portion of the property within the City of Stoney Creek.
3. The applicant/owner should be advised of a future daylight triangle widening to establish a 12.19 m by 12.19 m daylight triangle from the widened limits of Centennial Parkway and Queenston Road.
4. The removal and construction of the new access onto Centennial Parkway will require the removal of street trees. This tree removal is not shown on the Landscape plan. The removal and construction of the new access onto Delawana Drive also will require the removal of street trees. As a condition of site plan approval the applicant/owner must receive the written approval of the Forestry Section of the City of Hamilton Department of Public Works and Traffic and pay all applicable costs to the City for the tree removal and replacement.
5. As a condition of site plan approval, the applicant/owner must enter into an appropriate agreement with the City of Hamilton for the roadway alterations required on Delawana Drive and Centennial Parkway. This agreement requires the approval of the City of Hamilton Transport and Environment Committee and Council. All costs for the road works, utility relocation, municipal advertisement, etc. are the sole responsibility of the applicant/owner.

Prior to the approval of any road alterations, this matter must be presented to the City of Hamilton Transport and Environment Committee and Council for authorization to advertise these road alterations as required by the Municipal Act. Upon completion of this four consecutive week advertisement period, the road alterations must again be referred to the City of Hamilton Transport and Environment Committee and Council for approval and enactment of the required Road Alteration By-law.

Cont'd...

Site Plan Control Application DA-98-44
for 75 Centennial Parkway North

Cont'd...

6. Prior to preparing a report to the City of Hamilton Transport and Environment Committee the applicant must submit full scale plan and profile engineering drawings which meet our geometric design criteria. The drawings must show and address the following items:
- i) The width of the turning lanes, the length of island on Centennial Parkway, the distance between the islands, the appropriate traffic signing, the impact or changes required to the accesses on the east side of Centennial Parkway, etc. We have reviewed the plans submitted and are recommending changes to the proposal submitted by the applicant/owner and we will be contacting them directly to review these changes with them. The applicant/owner will be responsible for making all the necessary arrangements with the owners on the east side on Centennial Parkway, for changes to the accesses, as required, and will also be responsible for all costs associated with these roadway alterations.
 - ii) The width of the turning lanes on Delawana Drive, the length and radius of the traffic islands, the distance from Centennial Parkway and Fairington Crescent. We also require that the westbound through lane be widened to a minimum of 3.5 m and that the width of the eastbound lane be increased if possible to provide sufficient room for vehicles to pass any disabled vehicle in the island throat area (5.0 m to 5.5 m)

The proposed access relocation will have a significant impact on the existing landscape berms and trees currently located on private property and the Delawana Drive road allowance. Further there appears to be a significant grade difference between the parking area on private property and the pavement elevations on Delawana Drive, which must be addressed.
 - iii) The location of all the relocated municipal sidewalks, associated regrading of the road allowances and private property, the location and/or relocation of all Utilities, required motorists sight lines entering Delawana Drive and any lands required from private property to be dedicated for the road widening of Delawana Drive, etc. to ensure that these roadway improvements can be constructed within the road allowance.

Cont'd...

Site Plan Control Application DA-98-44
for 75 Centennial Parkway North

Cont'd...

7. As a condition of site plan approval, any lands required on Delawana Drive to construct the roadway improvements, maintain the Utilities in their respective corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance, must be dedicated to the City of Hamilton for road widening purposes. Since this may affect the parking areas on private property, these items should be addressed as soon as possible to ensure the parking requirements of the By-law are still met.
8. We require that 5 m by 5 m vision triangles be provided between the access and the road allowance limits in which the maximum height of any object or mature vegetation must not exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of the adjacent streets.
9. Due to the horizontal curve on Delawana Drive we require that a vision triangle be provided for motorists entering Delawana Drive looking left. This vision triangle should be sufficient to provide a minimum of 85 m sight distance from the stopped drivers eye position in the new access to the south edge of curb looking left. This may require the removal parking spaces on private property.
10. According to the grading plans, the parking lot will be extended northerly into the area of the existing landscape berm partially located on private property and partially located within the Delawana Drive road allowance. We recommend at this time that any grading due to this relocation be on private property in such a manner that the regrading does not affect the cover on any Utility within the road allowance or the municipal tree drip lines or root systems unless these trees will be addressed in Item 4 above.
11. The width of the exit onto Delawana Drive has been designed to permit transport trucks to exit the plaza. The width of the throat area is 7.5 m which is wide enough to allow passenger cars to try to make dual right turns. We recommend that pavement markings be placed within the access to provide an area for single right turn movements at an acceptable skew to Delawana Drive.
12. The applicant/owner must enter into an Encroachment Agreement with the City of Hamilton for the existing and proposed landscape berms and trees within the Delawana Drive road allowance. No additional works can occur within the road allowance until this Agreement is registered on title.
13. Any other works which may occur within the Delawana Drive and Centennial Parkway road allowances must conform to the City of Hamilton Streets By-law.

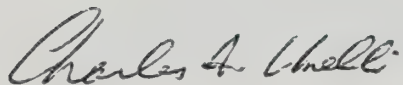
Cont'd...

- Page 6 -
December 21, 1998

Site Plan Control Application DA-98-44
for 75 Centennial Parkway North

Cont'd...

If there are any queries regarding the Roads Division comments, please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to any grading questions.



Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW:HG:dww

O:\Subdivis\Doug\Hamilton\1998\DA9844.1.DOC

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
LTON
JUN 14 1950

TO :

FROM :

SUBJECT:

FILE NO.

DATE

CITY

STATE

COUNTRY

REMARKS:

SR

FILE: 99-2205-000

YOUR FILE

SR

OUR FILE: 99-2205-000
PHONE: 546-4228

DATE: January 6, 1999

Should you require further clarification or technical assistance please do not hesitate to contact Chuck Keenan at (905) 546-4204.

JP/CK/nb

cc: C. Keenan, Foreman, Forestry
K. Jones, Foreman, Forestry
D. Anderson, Timekeeper

5.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1999 February 3

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1999 January 20

B. COMMUNITY PLANNING AND DEVELOPMENT

Demolition – 184 Lottridge Street

C. DIRECTOR OF PLANNING AND DEVELOPMENT

“Eaglewood Estates – Phase 2”, Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

Wednesday, 1999 January 20
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly

Absent: Mayor R. M. Morrow - Civic Business

Also present: L. Coveyduck, General Manager, Community Development and Planning
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Nina Chapple, Planning and Development Department
John Sakala, Planning and Development Department
Art Zuidema, Law Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Ed Switenky, Public Works and Traffic
Len King, Building Commissioner
Tina Agnello, Secretary

Prior to each Public Meeting the Chairperson advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of person not presenting an oral or written statement at a Public Hearing.

- 1. Zoning Application 98-40, by Pricewaterhouse Coopers Inc., owner, for a modification to the "JJ" District, for lands located at 2701 Barton Street East.**

Mr. Mailor was present on behalf of the applicant.

Paul Mallard summarized the recommendation for the Committee.

Alderman Copps raised concerns over lack of landscaping and quality of fencing in industrial zones.

As recommended in a report from the General Manager, Community Planning and Development Division dated January 5, 1999, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application ZAR-98-40, Pricewaterhouse Coopers Inc., owner, for a modification to the "JJ"(Restricted Light Industrial) District regulations, to permit the existing uses (rental, sales, servicing and outside storage of construction and industrial equipment), on lands located at 2701 Barton Street East, as shown on the attached map marked as Appendix "A", subject to the following:

- (i) That the "JJ" (Restricted Light Industrial) District regulations, as contained in Section 16A of By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

That notwithstanding Section 16A.(1) of Zoning By-law No.6593, the rental, sales, servicing and outdoor storage of construction and industrial equipment shall be permitted; and,

- (ii) That the amending by-law be added to Section 19B of Zoning By-law No.6593 as Section S-1422 , and the subject lands on Zoning District Map E-123 be notated S-1422; and,
 - (iii) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123, for presentation to City Council; and,
 - (iv) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) The the amending by-law not be forwarded to City Council for approval until the applicant has applied for and received approval of a Commercial Boulevard Parking Agreement with the City, or the applicant has removed the parking area between the access driveways and landscaped the boulevard to the satisfaction of the Director of Public Works and Traffic.

2. Zoning Application 98-41, by 1169990 Ontario Inc., (Robert McDowell) owner, for a further modification to the "HH" District for property located at 775-779 Upper Wentworth Street.

Alderman Caplan declared an interest by virtue of his relationship with the owner of the property and left the meeting for the remainder of this item.

Mr. McDowell was present in support of his application.

Paul Mallard advised that the application is for permission to allow a laser eye clinic at the existing building. By Committee of Adjustment approval, a dental office is permitted. Planning staff recommends approval of a dental of laser clinic and the maximum floor space must not exceed 340 Square feet.

Alderman Kelly noted that sign location must be rectified to which Mr. Mallard advised that the recommendation can be amended to incorporate recognition of the existing sign. Mr. Chajka noted that the owner should enter into an encroachment agreement with the City to this regard.

As recommended in a report from the General Manager, Community Planning and Development Division dated January 8, 1999, the Committee recommended to Council the following recommendation as amended as follows:

- (a) That approval be given to amended Zoning Application 98-41, 116990 Ontario Inc. (Rob McDowell), owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial etc.) District to allow a laser eye clinic on the property located at 775 - 779 Upper Wentworth Street, as shown on the attached map marked as Appendix "B", subject to the following:
 - (i) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593 as amended by By-law 96-123, applicable to the subject lands be further modified to include the following variances as special provision:

- (1) That notwithstanding Section 14A. of Zoning By-law No. 6593 and Committee of Adjustment decision A-97:229, either a laser eye clinic or dental office having a maximum gross floor area of 340.5 m² (3,665 S.F.) shall be permitted only within the building existing on the day of passing of this by-law; and,
 - (2) That notwithstanding Section 14A. of Zoning By-law No. 6593, the business identification ground sign existing on the date of the passing of this by-law shall be permitted; and,
 - (ii) That the amending by-law be added to Section 19B of Zoning By law No. 6593 as Section S -1348a, and that the subject lands on Zoning District Map E-27 be notated S -1348a; and,
 - (iii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-27, for presentation to City Council; and,
 - (iv) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the owner apply for and receive approval of the appropriate encroachment agreement with the Region of Hamilton-Wentworth for the existing business identification ground sign, if required.

3. City Initiative 98-E, Review of Landscape Regulations and Design Standards for "commercial" uses.

Mr. Sakala advised that the purpose of the City initiative is to require landscape enhancements to small commercial redevelopments such as former gas stations.

The Committee directed that staff report back with requirements for landscaping in industrial areas through Site Plan Control.

A discussion ensued regarding the control of appearance in building materials which are used in developments. Subsequently, the Committee carried a motion to request that these be regulated as follows:

- a) That the Council of the Corporation of the City of Hamilton request the Province of Ontario to amend Section 41 of the Planning Act to expand the provisions of Site Plan Control to enable municipalities to regulate matters of architectural detail and design, including colour, texture, and type of materials, window detail and building design; and,
- b) That a copy of the resolution be forwarded to the Association of Municipalities of Ontario.

As recommended in a report from the General Manager, Community Planning and Development Division dated January 4, 1999, the Committee recommended to Council as follows:

That approval be given to City Initiative CI-98-E, to provide for an amendment to Zoning By-law No. 6593, by introducing new regulations for landscape areas related to "Commercial" uses, on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, Etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (9) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- (b) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 be amended by adding the following new subsection:
- (9) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- (c) That the "G-2" (Regional Shopping Centre) District regulations as contained in Section 13B of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (11) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- (d) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (7) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a

minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

- (e) That the "H" (Community Shopping and Commercial, Etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (9) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

- (f) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (7) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

- (g) That the "I" (Central Business, Etc.) District regulations as contained in Section 15 of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (9) (a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.

- (h) That the "HI" (Civic Centre Protected) District regulations as contained in Section 15A of Zoning By-law No. 6593 be amended by adding the following new subsection:

Landscape Requirements

- (5) (i) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (ii) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- (i) That The "CR-1", "CR-2" and "CR-3" (Commercial – Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593 be amended by adding the following additional Landscape Requirements:
- (36) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;
- (37) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metre in width, shall be provided and maintained along the entire street line except for the area used for access driveway.
- (j) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (k) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.

4. Zoning Application 98-22 by Cantrico Investments Limited, owner, for a modification to the "H" District, for lands located at 1394 Upper Gage Avenue.

Sid Catalano and Bart Cline of 5050 Norway Avenue, Unit 4 , Hamilton, were present in support of the application.

Paul Mallard advised that the purpose of the application is to permit the temporary placement of a billboard sign on a property.

Alderman Charters stated and Alderman Haining concurred that because of potential residential development occurring nearby in the not too distant future they are not in favour of approval.

Following brief discussion the Committee concurred that the recommendation be approved as amended to provide as a condition that the sign be removed if there is residential development on the adjacent property (presently owned by the same company).

As recommended in a report from the General Manager, Community Planning and Development Division dated January 5, 1999, the Committee recommended the following as amended to Council as follows:

That approval be given to Zoning Application ZAC-98-22, Cantrico Investments Inc., owner, for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations to permit the temporary use of the lands for a third party/billboard sign for a period of 3 years, under Section 39 of the Planning Act, for property located at 1394 Upper Gage Avenue, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law Nos. 81-190, 81-244 and 82-19, be further modified in accordance with Section 39 of the Planning Act, to the extent only of the special requirements that:
 - (i) A third party/billboard sign shall be permitted for a period being the lesser of three years from the day of the passing of the by-law, or until a Building Permit for residential uses is issued for any of the lands known as 1406 Upper Gage Avenue, and/or the rear of 1400 Upper Gage Avenue, fronting onto Stone Church Road East; and,
 - (ii) Notwithstanding Section 18.(15)(2)(d) of Zoning By-law No. 6593, the third party/billboard sign permitted in (a) above, shall be a minimum of 7.0 m from the westerly lot line; and,
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-751c, and that the subject lands on zoning District Map E-38C be notated S-751c; and,
- (c) That the City/Regional Solicitor be directed to prepare a by-law to amend Zoning By-law 6593 and Zoning District Map E-38C for presentation to City Council; and,
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

• **Alderman Copps, Alderman Charters, and Alderman Haining opposed.**

5. Zoning Application 98-24 and Official Plan Amendment Application by Jomar Development Corporation, Owner, for property located at 723 Rymal Road West.

Submissions were received from the following:

- (a) The Nicholsons, 93 Hawkswood Trail, Hamilton
- (b) John and Shari Van Groningen, 19 Falconridge Drive, Hamilton
- (c) Richard and Janet Meleskie, 64 Falconridge Drive, Hamilton
- (d) Chris and Daniela Gollob, 34 Falconridge Drive, Hamilton
- (e) Mr. & Mrs. A. Okimi, Kaleigh & Dustin, 15 Hawkswood Trail, Hamilton
- (f) Tom Leyland, 74 Falconridge Drive, Hamilton
- (g) Jerry Amantangelo, 39 Tommar Place, Hamilton

Joe Cutlesa, was present on behalf of the application.

Paul Mallard advised that the application was previously tabled in order to resolve the matter of the Falconridge road closure. He added that the Church group, which is interested in building to the rear of the development, is in the process of negotiating

with various parties to pursue private road access. The proponent has agreed to hold the residential lands in abeyance.

Mr. Mallard noted that the applicants propose to retain the "Gage House" as a restaurant or tea house.

In response to a Question from Tom Leyland, resident of 74 Falconridge Drive, Mr. Mallard advised that at present only the institutional portion of the property will be zoned.

In response to a question from Rick Meleskie of 64 Falconridge Drive, Alderman D'Amico stated that a public meeting will be held regarding the site plan.

Henry Stiltie of 160 Sawmill Road, Hamilton representative of the church group, stated that he concurs with the recommendation as the church group is in the process of negotiating a private access.

In response to a question from Alderman Copps, the Chairperson explained that the facility will enhance the quality of services available to families in the area as well as provide a good place for seniors to live.

As recommended in a report from the General Manager, Community Planning and Development Division dated January 8, 1999, the Committee recommended to Council as follows:

- A. That approval be given to Official Plan Amendment No.158 to establish a Special Policy Area to permit a "Community and Residential Care Access Centre", containing residential care and short-term residential care facilities for the accommodation of a maximum of 25 and 26 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a 2 storey building and to permit the conversion of the existing dwelling into a restaurant, within the "Residential" designation, on lands known municipally as 723 Rymal Road West, shown as Blocks "1" and "2" on the attached map marked as Appendix "D", and that the City/Regional Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to amended Zoning Application ZAC-98-24, 723 Rymal Road West (Jomar Development Corporation), owner, for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District, modified, to permit a "Community and Residential Care Access Centre" containing residential care and short-term residential care facilities for the accommodation of a maximum of 25 and 26 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a 2 storey building and to permit the conversion of the existing dwelling into a restaurant, for lands located south of Rymal Road West, east of the City of Hamilton-Township of Glanbrook municipal boundary, known municipally as 723 Rymal Road West, shown as Blocks "1" and "2" on the attached map marked as Appendix "D", on the following basis:
 - (a) That Block "1" be rezoned from "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District; and.
 - (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District; and.
 - (c) That the 'H' symbol applicable to the land referred to in section (b)(i) and (b)(ii) shall be removed conditional upon:
 - (1) The owner preparing and submitting a storm water management study to the satisfaction of the applicable Conservation

Authorities and the Manager, Development Engineering Section, Regional Environment Department; and,

- (2) Servicing is available to the subject lands to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
- (3) The applicant entering into all required agreements for the provision of services, with the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

The 'H' symbol shall be removed by amendment to this by-law and the development of the subject lands may proceed in accordance with the "DE-3" (Multiple Dwellings) District provisions, subject to the special provisions of Section (b)(iv); and,

- (d) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
 - (1) a "Community and Residential Care Access Centre"; and,
 - (2) a restaurant provided that:
 - a) it is located within the existing dwelling at the time of passage of the by-law; and,
 - b) the external appearance and character of the dwelling shall be preserved and maintained; and,
 - c) a drive-thru or take-out shall not be permitted; and,
 - d) it is accessory to a "Community and Residential Care Access Centre".
 - (ii) For the purpose of this by-law, a "Community and Residential Care Access Centre" shall mean a building in which short-term residential care and residential care facilities are provided in conjunction with medical offices and related services, subject to the following provisions:
 - (1) maximum of 26 residents of at least 65 years of age located within the first and second storeys; and,
 - (2) a Residential Care Facility for the accommodation of a maximum of 25 residents of at least 65 years of age located within the second storey; and,
 - (3) an accessory dining room in the second storey which shall only be used in conjunction with the Residential Care and Short-Term Care Facilities; and,
 - (4) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, shall be located within the first storey, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore, provided that all such uses except for a drugstore shall have access only from the interior of the building.

- (iii) That notwithstanding Section 10C.(2) of Zoning By-law No. 6593, no building shall exceed two storeys in height; and,
 - (iv) That notwithstanding Section 10C.(3) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre", the following yards shall be provided and maintained:
 - (i) a minimum front yard depth of 4.7 m;
 - (ii) a minimum side yard depth of 3.8 m; and,
 - (iii) a minimum rear yard depth of 11.1 m.
 - (v) That notwithstanding Section 10C.(5) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre" a maximum gross floor area of 4,690 m² shall be permitted, the residential portion shall have a minimum floor area of 2,715 m² and the commercial portion shall have a maximum floor area of 1,975 m², including hallways and common amenity areas; and,
 - (vi) For the "Community and Residential Care Access Centre", an unlighted ground sign having an area of not more than 4.2 square metres and located not less than 2.0 m from any lot line shall be permitted; and,
 - (vii) For the restaurant, an unlighted ground sign having an area of not more than 1.2 square metres and located adjacent to the existing building shall be permitted; and,
 - (viii) That Section 4.(3) of Zoning By-law No. 6593, shall not apply to the subject lands; and,
 - (ix) That notwithstanding Section 2.(2)A.(xiiaa) of Zoning By-law No. 6593, a Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" comprised of residential and commercial uses; and,
 - (x) That notwithstanding Section 2.(2)A.(xiiaaa), a Short-Term Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" jointly comprised of residential and commercial uses; and,
 - (xi) That Section 10C.(7) of Zoning By-law No. 6593 shall not apply to the subject lands.
- (e) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S - 1421, and that the subject lands on Zoning District map W-37E be notated as S - 1421; and,
 - (f) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37E for presentation to City Council; and,
 - (g) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No.158 by the Region of Hamilton-Wentworth, and,
 - (h) That upon finalization of the Zoning By-law, the subject lands be redesignated from "Single and Double" Residential to "Commercial and Residential" and the north-south cul-de-sac be removed on the approved Carpenter Neighbourhood Plan.

- **Alderman Copps opposed**

6. **REFERRAL FROM THE PARKS AND RECREATION COMMITTEE**

Master Drainage Plan Study

The Planning and Development Committee approved the recommendation of the Parks and Recreation Committee as follows:

That staff prepare a terms of reference for a Master Drainage Plan study to address the flooding problem for both private and public properties on the west (Bay) side of Beach Boulevard at an estimated cost of \$20,000, the cost of which is to be charged to Account No. CF 5698 629750011 (Hamilton Beach Implementation).

7. **MAYOR MORROW AND ALDERMAN CAPLAN**

Request for Exemption from Requirement for securities under Site Plan Control Re: Staircase Theatre, 27 Dundurn Street.

Alderman Caplan requested and the committee concurred that the matter be tabled in order that staff may prepare a report and report back.

8. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The following minutes were adopted as presented:

- (i) Minutes of the Special meeting held 1998 November 24
- (ii) Minutes of the meeting held 1998 December 2
- (iii) Minutes of the Special meeting held 1998 December 8

The following recommendations were forwarded to Council for approval:

B. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

- (i) **Barton Village Business Improvement Area (B.I.A.) – Revised Board Management dated November 7, 1998:**

That Schedule 'B' of By-law No. 87-308, as amended, appointing the Barton Village B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

D. Boukhers	Farah's Foodmart
J. Hendry	Hendry's Family Shoes
S. Manners	Siemens Westinghouse Inc.
J. Hilger	Ways to Wisdom
J. Howard	Econ-o-wash Laundry
P. Nusca	Nusca Custom Tailors Ltd.
M. Tollis	Riviera Banquet Centre
N. LaSala	Nick's Auto Service

R. Palmese
K. Cody

Palmese Photodesign Group Inc.
Orthopaedic Services

That the City/Regional Solicitor, Corporate Services, be directed to amend Schedule 'B' of By-law No. 87-308 pursuant to (1) above.

(ii) **Barton Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1999 dated December 17, 1998:**

- (a) That the 1999 operating budget for the Barton Village B.I.A. (attached as Appendix 'E') be approved in the amount of thirty thousand dollars (\$30,000); and,
- (b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (1) above; and,
- (c) That the following schedule of payments for 1999 be approved:

January 01	\$7,500
March 01	\$7,500
June 01	\$7,500
September 01	\$7,500

Note: 1998 assessment appeals may be deducted from the 1999 levy payments.

(iii) **Westdale Village Business Improvement Area – Proposed Budget and Schedule of Payments for 1999 dated December 1, 1998:**

- (a) That the 1999 operating budget for the Westdale Village B.I.A. (attached as Appendix 'F') be approved in the amount of \$35,000; and,
- (b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 1999 be approved:

January 01	\$11,000.
March 01	\$8,000.
June 01	\$8,000.
September 01	\$8,000.

NOTE: 1998 assessment appeals may be deducted from the 1999 levy payments.

C. **BUILDING COMMISSIONER**

(i) **Demolition – 569 Rymal Road East dated January 7, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 569 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) **Demolition – 713 Barton Street East dated January 7, 1999**

That the Building Commissioner be authorized to issue a demolition permit for 713 Barton Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) **Demolition – 50 Glassco Avenue South dated December 11, 1998**

That the Building Commissioner be authorized to issue a demolition permit for 50 Glassco Avenue south in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Heritage Permit for Proposed Sprinkler System – 252 James Street South dated January 7, 1999:

That a Heritage Permit be approved for the designated property at 252 James Street South to install a sprinkler system comprising five (5) sprinkler heads, two of which are located in the ceiling of the entrance lobby as shown on the plan attached hereto and marked as Appendix "G".

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee approved the previously received information items as follows:

- (a) General Manager, Planning and Development Division re: Approved Site Plan Control Application dated January 7, 1999.
- (b) Building Commissioner re: Building Department Status report as at September 30, 1998, dated November 18, 1998.
- (c) Director of Planning and Development re: Planning and Development Department Status Report as at September 30, 1998, dated November 23, 1998.
- (d) General Manager, Housing and Loans Division re: Extra Funding for Renovation Programs dated 1999 January 7.

9. OTHER BUSINESS

Alderman Kiss requested and the committee concurred that the Building Commissioner be requested to prepare a report regarding Elevator inspections.

10. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned into closed session to discuss matters of litigation and reconvened immediately thereafter with the following report:

CORPORATE COUNSEL

That the Information Report of Corporate Counsel dated 1999 January 19 regarding Hamilton Harbour – Windemere Basin be received.

11. ADJOURNMENT

There being no further business, the meeting then adjourned.

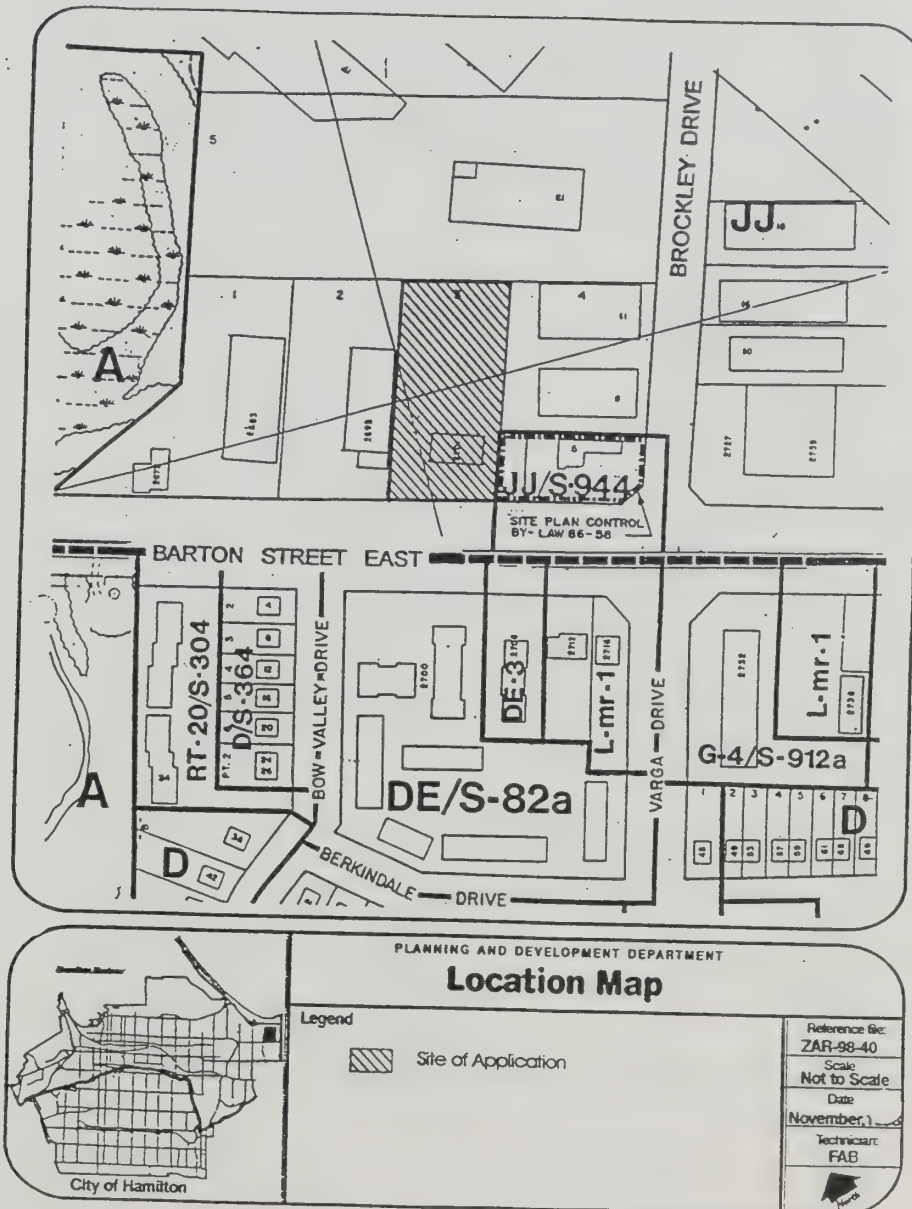
Taken as read and approved.

**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello
Secretary**

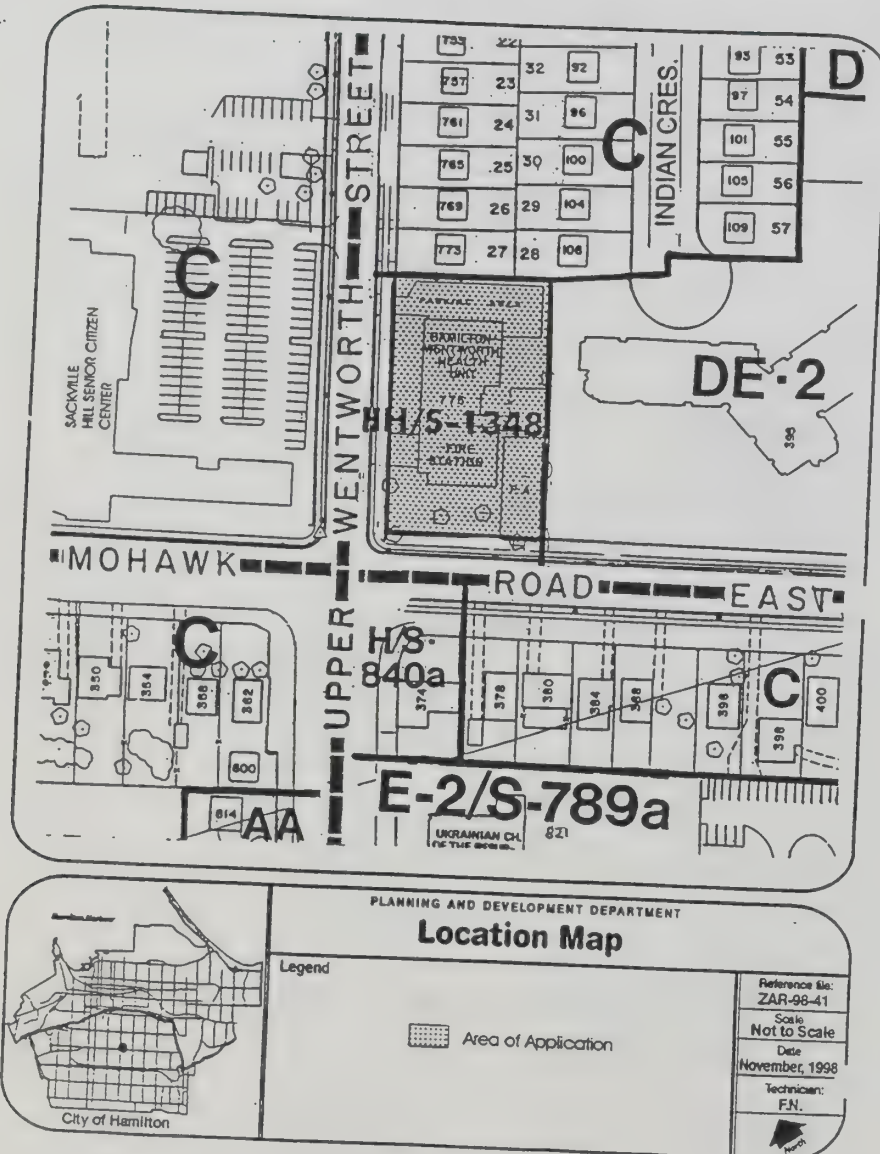
January 26, 1999

Appendix "A" referred to in Section 1
of the Planning and Development
Committee Minutes dated 1999 January
20.



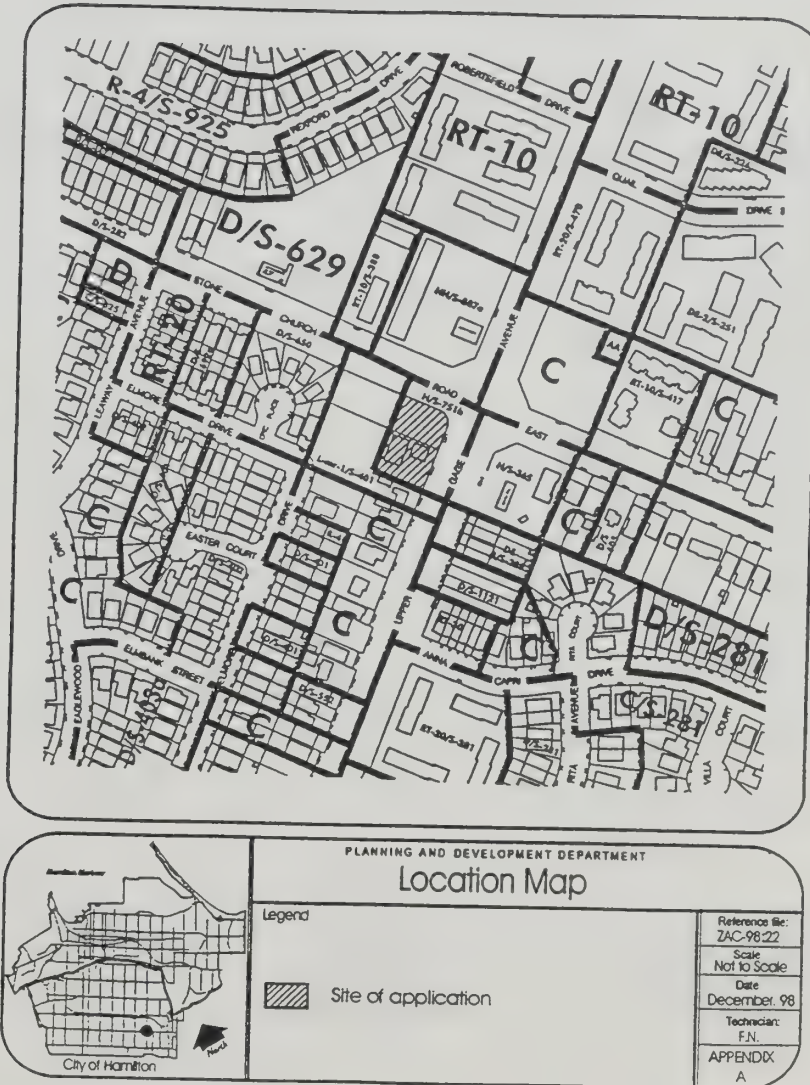
January 26, 1999

Appendix "B" referred to in Section 2 of
the Planning and Development
Committee Minutes dated 1999 January
20.



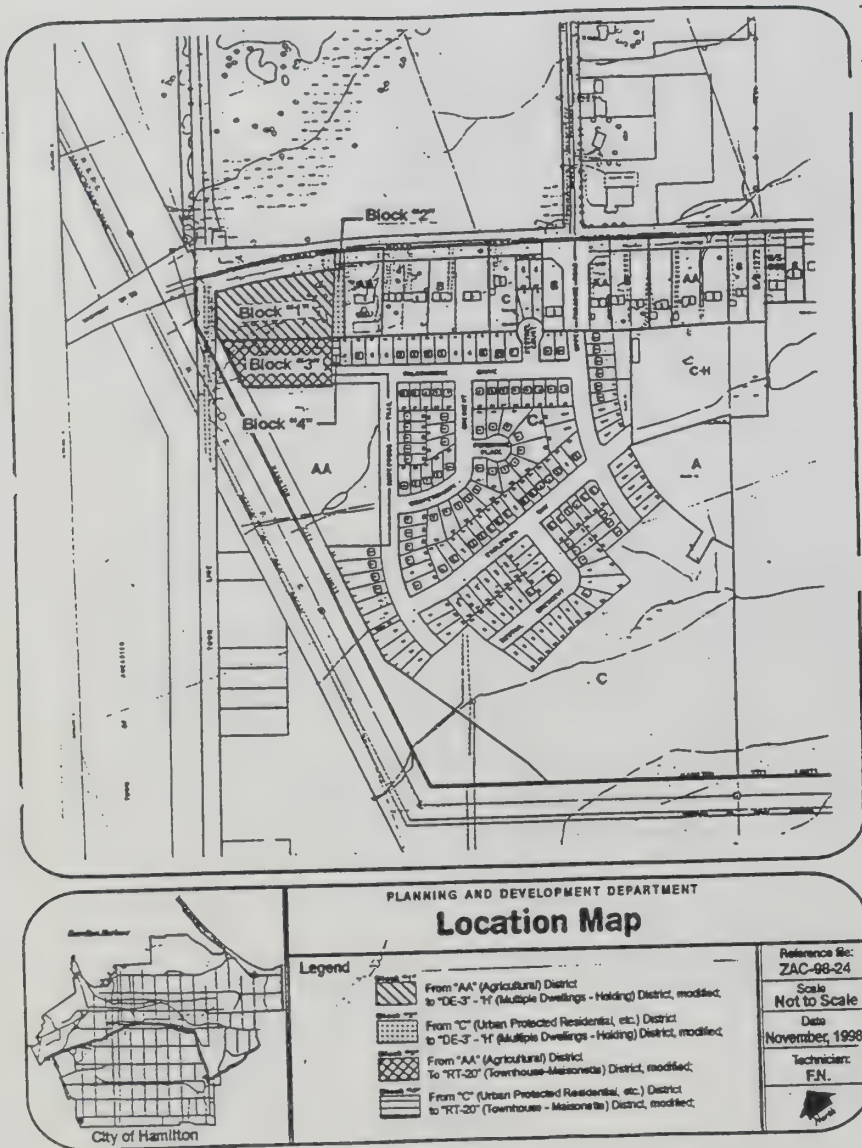
January 26, 1999

Appendix "C" referred to in Section 4 of
the Planning and Development
Committee Minutes dated 1999 January
20.



January 26, 1999

Appendix "D" referred to in Section 5 of
the Planning and Development
Committee Minutes dated 1999 January
20.



January 26, 1999

Appendix "E" in Section 8 B(ii) of the
Planning and Development Committee
Minutes dated 1999 January 20.

**BARTON VILLAGE BUSINESS IMPROVEMENT AREA'S
APPROVED 1999 BUDGET**

<u>COMPONENTS</u>	<u>AMOUNT</u>
Wages	\$6,000
Insurance (General & Director's)	\$1,700
BIA Meetings (Food & Rental)	\$1,500
Audit Fee	\$ 350
Administration/office Expenses	\$1,100
Christmas Decoration Installation/Removal/Storage	\$1,500
Special Events	\$3,500
Business Development & Consultant Fees	\$8,850
Advertising	\$2,500
Contingency (20%)	\$3,000
TOTAL	\$30,000

January 26, 1999

Appendix "F" in Section 8 B(iii) of the
Planning and Development Committee
Minutes dated 1999 January 20.

WESTDALE VILLAGE B.I.A.

APPROVED OPERATING BUDGET 1999

FIXED EXPENSES

Rent	\$ 1,200.00
Insurance	\$ 1,600.00
Staff	\$ 5,200.00
Additional Staff	\$ 500.00
Board Expenses	\$ 1,200.00
Audit	\$ 350.00
Office Supplies	\$ 1,500.00
Annual General Meeting	\$ 400.00
Maintenance	\$ 1,500.00

CHRISTMAS

Joylites	\$ 3,000.00
Planters, trees, bows	\$ 2,000.00
Display lights	\$ 1,000.00
Holiday magic	\$ 1,500.00
Advertising	\$ 5,000.00

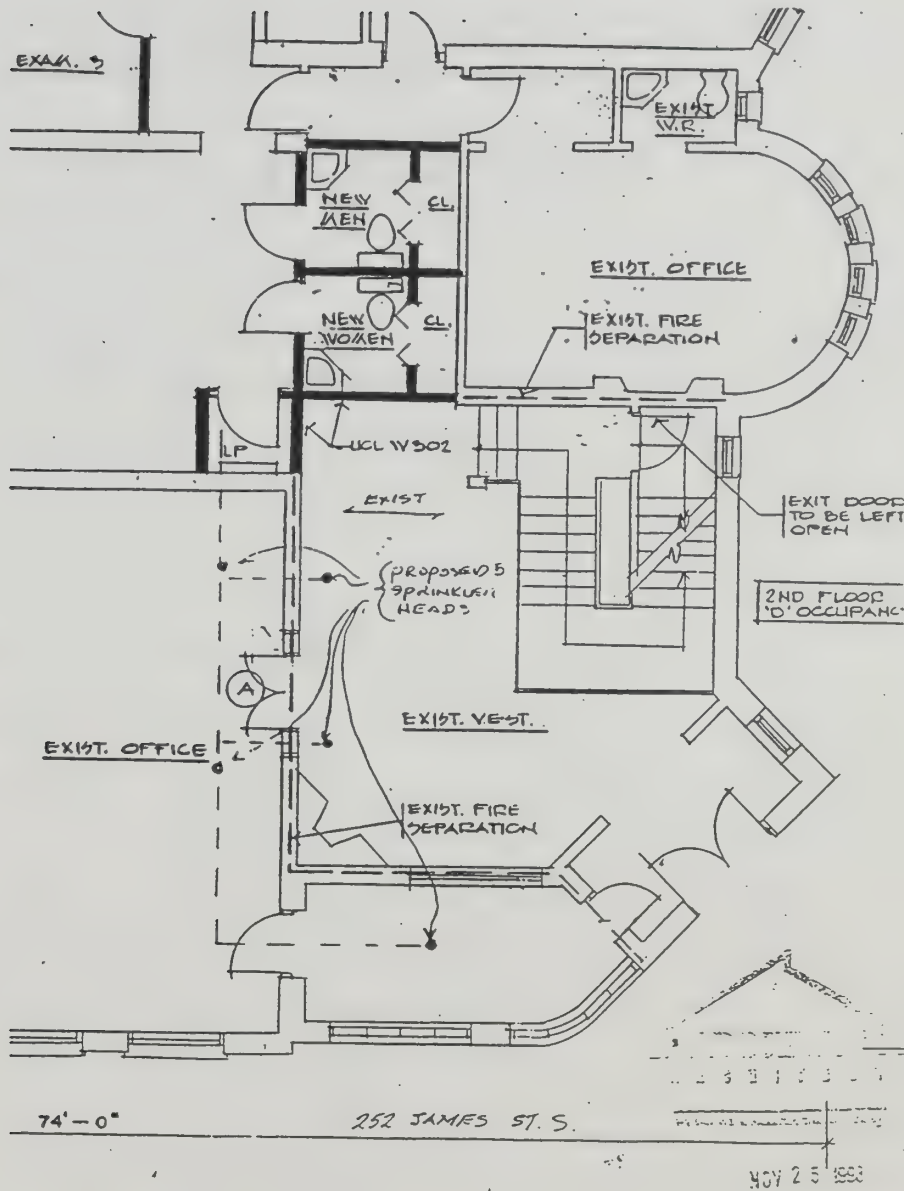
OTHER EVENTS

Race	\$ 5,000.00
Garage sale	\$ 1,146.38
Pumpkin Patch	\$ 2,672.54

TOTAL BUDGET FOR 1998 \$34,768.92

APPROVED OPERATING BUDGET FOR 1999 \$35,000.00

Appendix "G" referred to in Section 8 D of the Planning and Development Committee Minutes dated 1999 January 20.



CITY OF HAMILTON

B

- RECOMMENDATION -

DATE: 1999 January 20

JAN 22 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division



SUBJECT: Demolition of:
184 LOTTRIDGE STREET – Tag Number 99-100588
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 184 Lottridge Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H/S-1396 (Map E-32)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Area

BRIEF DESCRIPTION: The owner wishes to demolish the existing 1-1/2 storey single family dwelling, merge the lands with the property known as 787 – 791 Barton Street East and use the lands as parking for the proposed McDonalds restaurant. The proposed restaurant is under a Development Agreement DA-97-31 and a building permit has been issued for the construction of the McDonalds restaurant. A previous application to demolish the dwelling was refused by the Committee of the Whole on November 13, 1997 as these lands were zoned "D" residential at the time and did not permit the proposed commercial use. This property has been rezoned to an H/S-1396 to permit the lands to be used in conjunction with the McDonalds development. This property is located in the "Stipley" neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 3. No LACAC interest. Lot size 32.0' x 100.0'.

The owner of the property and applicant as per the demolition permit is:

McDonalds Restaurants
1 McDonald Place
Toronto, Ontario M3C 3L4
FP/zr



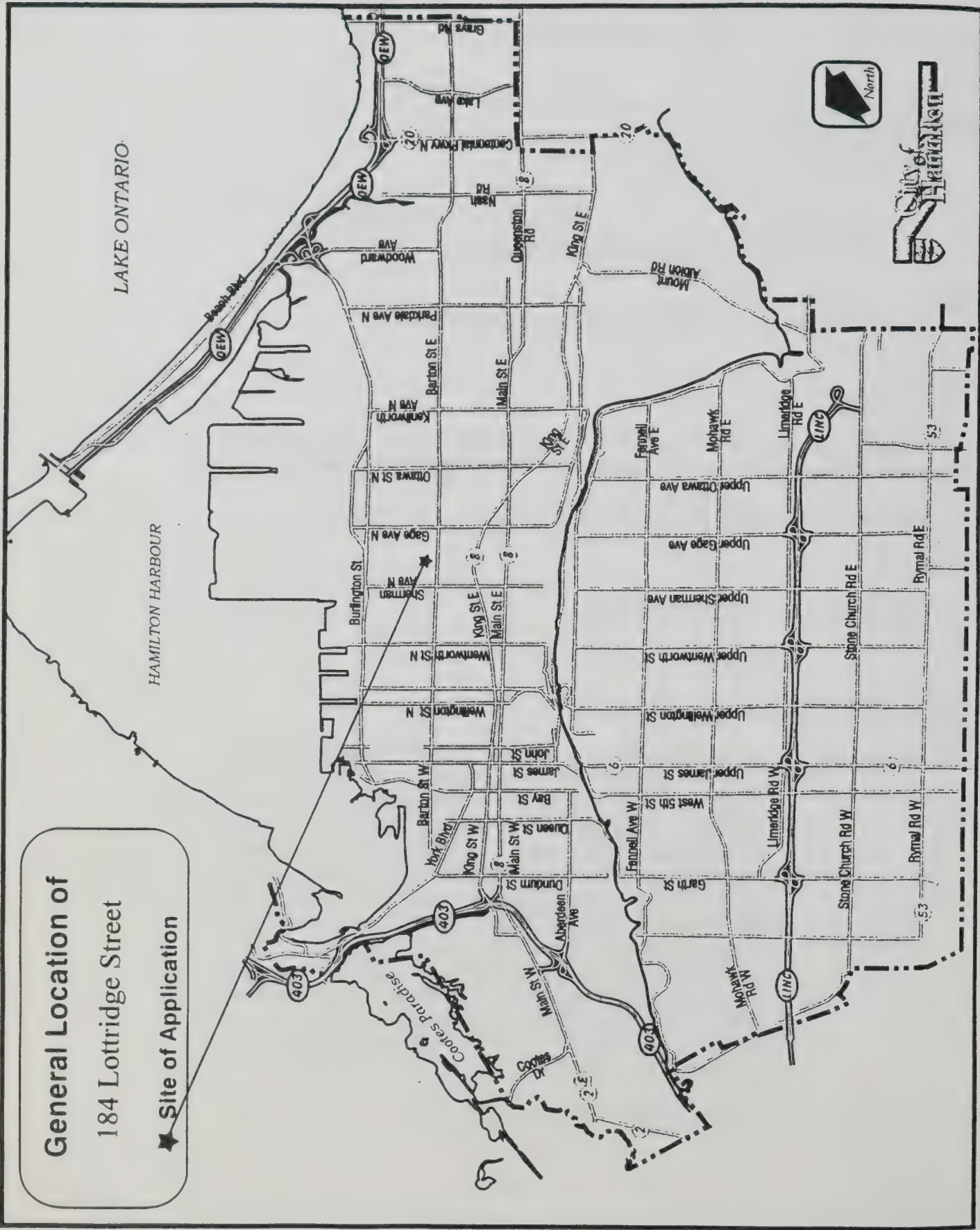
General Location of

184 Lottridge Street

★ Site of Application

LAKE ONTARIO

HAMILTON HARBOUR



SUBJECT PROPERTY
184 LOTTRIDGE STREET



C

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 11 January 1999
705-36 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning & Development Division

SUBJECT: "Eaglewood Estates – Phase 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That the City of Hamilton now accept the sum of \$ 10,000.00 as a cash payment in lieu of the 5% land dedication in connection with "Eaglewood Estates – Phase 2", Hamilton being the cash payment required under Section 51.1 of the Planning Act.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

Page 2

11 January 1999

**"Eaglewood Estates – Phase 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

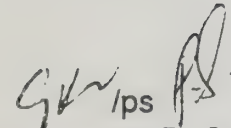
BACKGROUND:

The owner of Eaglewood Estates – Phase 2, (Mohold Star Investments Ltd.) now wish to finalize their plan of subdivision and will be executing a Subdivision Agreement with the City of Hamilton in the near future.

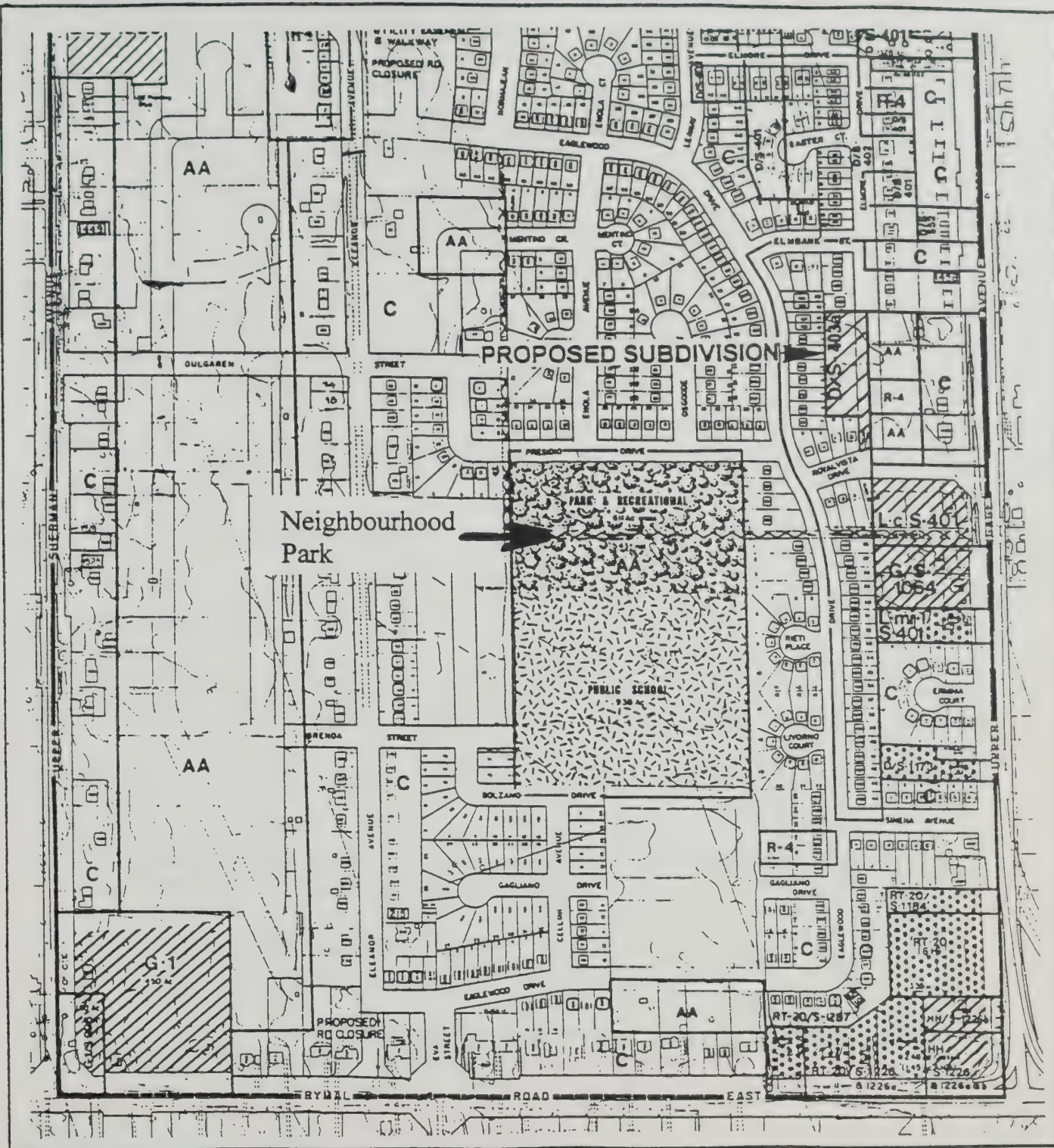
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 10,000.00.

The lands of Eaglewood Estates – Phase 2 are located south of Stone Church Road East and west of Upper Gage Avenue in the Eleanor Neighbourhood. (see attached plan)


Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

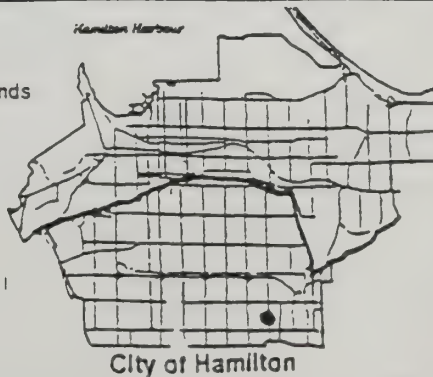
 /ps
cc: D. Cobb, City Treasury
cc: M. Watson, City Real Estate Department

A:\P&D\199-01-11\disc



LEGEND

 Subject Lands



City of Hamilton

KEY PLAN

"Eaglewood Estates - Phase 2"

NORTH



NOT TO SCALE

NEIGHBOURHOOD
Eleanor - Approved Plan

DATE

January 7, 1999

FILE No.

S705-36



Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 22

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

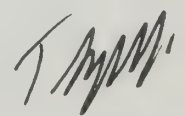
SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Secretary, LACAC re: Minutes of the meeting held 1998 December 14, dated 1999 January 18
- (b) General Manager, Community Planning and Development Division re: Approved Site Plans for Approval, dated 1999 January 21
- (c) Ontario restaurant Association re: User Fees for Foodservice Establishments, dated 1998 November 20
- (d) Ministry of Municipal Affairs and Housing re: Rent reductions and Tax Decreases under the Tenant Protection Act, dated 1998 December 11

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A



BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

CAY ON HBL AOS
C51P4
1999

URBAN
MUNICIPAL



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1999 February 17

9:30 o'clock a.m.

Room 233, City Hall

Tina Agnello

**Tina Agnello, Secretary
Planning and Development Committee**

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. City Initiative 98-B, Restaurant Parking.
2. Subdivision Application 98-02 and Zoning Application 98-29, by 1125814 Ontario Inc. (Silvestri Investments), prospective owner, for changes in zoning for an irregular shaped parcel of land located at 803, 819, 823, 865 and 871 West 5th Street.

3. **GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT**

Staircase Theatre, 27 Dundurn Street North – Request for exemption from requirements for securities under Site Plan Control (Report to follow)

4. **REFERRAL OF COMMITTEE OF THE WHOLE**

Increase in Beds or Services at 94 York Blvd.

5. **CONSENT AGENDA**

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
6.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
7.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
9.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
10.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
11.	Walkway Closure -Forestgate Drive	1998 November 4	Referred to Staff	Report Forthcoming
12.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
13.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
14.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
15.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
16.	Exemption from Requirements Site plan , 27 Dundurn St.	1999 January 20	Tabled with directions for staff to prepare report	Report Forthcoming

**PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST**

	Item	Original Date	Action	Status
17.	Elevator Maintenance	1999 January 20	Staff to prepare a report	Report Pending
February 9, 1999				

1.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 January 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: City Initiative 98-B Restaurant Parking

RECOMMENDATION:

That approval be given to City Initiative 98-B to amend Section 18A. PARKING AND LOADING REQUIREMENTS of Zoning By-law No. 6593, respecting the location of vehicular access points for restaurant parking in an "H" District, on the following basis:

- i) That Section 18A .(36) 2 of Zoning By-law No. 6593 be amended by adding the words "**parking for**" before "**a restaurant**" in the second line so that the section shall read as follows:

"2. No points of ingress or egress at the lot line, to or from the lot on which **parking for** a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary."
- ii) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and
- iii) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a general text amendment to Section 18A. (36) 2 of Zoning By-law No. 6593 respecting the location of vehicular access points for restaurant parking in an "H" (Community Shopping and Commercial, etc.) District.

Presently, the By-law requires points of ingress and egress on lots on which a restaurant is located to be a minimum of 30.0 metres from a residential district boundary, regardless of whether or not parking is required or used in conjunction with

the restaurant. The effect of the By-law is to only require the minimum 30.0 metre setback where parking for a restaurant is located on the lot.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the requirements of The Planning Act, Council shall hold at least one Public Meeting to consider a By-law amendment.

BACKGROUND:

- Planning and Development Committee

At its meeting of January 20, 1998, the Planning and Development Committee directed staff to give notice of a Public Meeting for consideration of an amendment to the provisions of Section 18A.(36) respecting the location of vehicular access points for restaurant parking in an "H" District.

COMMENT:

Ward Aldermen have expressed concern about the application/enforcement of restaurant parking requirements where no parking is required for the restaurant use, but is provided for other commercial or residential uses on the site.

In this regard, section 18A.(36) of Zoning By-law No. 6593 sets out specific provisions respecting parking for restaurants in the "H" District, including the following:

- "18A. (36) 1. There shall be provided and maintained accessory to a restaurant in an "H" District ,**
- (a) a parking area containing parking space at the rate of one space for every six persons...**
 - (b) a distance of not less than 12.0 metres (39.37 feet) between a residential district and the driveway and the parking area and manoeuvring area used in conjunction with a restaurant;**
 - (c) a landscaped area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way.**

2. **No points of ingress or egress at the lot line, to or from the lot on which a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary."**

The effect of clauses (b) and (c) is to require a minimum driveway separation distance from an adjoining residential district, and minimum landscaping along street lines, only where parking is required or used **in conjunction with a restaurant**. Comparatively, paragraph 2 restricts ingress and egress to the lands on which a restaurant is located regardless of whether or not parking is required or used in conjunction with the restaurant.

For example, if a take-out restaurant is proposed to locate within a plaza in an "H" District no parking would be required. Consequently, clauses (b) and (c) would not apply. However, paragraph 2 would apply and any ingress or egress, whether existing or proposed, would have to be setback a minimum of 30.0 metres to a residential district boundary. Invariably, this necessitates an application to the Committee of Adjustment for a minor variance. Similarly, where a take-out restaurant is proposed to locate in a mixed - use building (e.g. restaurant on ground floor and an apartment(s) on second floor) and parking is provided on site for the apartment unit(s) then paragraph 2 applies and an application for minor variance is necessitated.

Although it is technical in nature, there is a discrepancy between the application of clauses (b) and (c), and paragraph 2. In this regard, Section 18A. (36) was designed to require a minimum amount of parking for a restaurant use based on seating capacity, and to ameliorate the potential impact of associated parking and manoeuvring on adjoining residential uses. However, the restriction on ingress and egress applies to a restaurant use, regardless of whether or not parking is required or used in conjunction with the restaurant. In order to provide for consistency in the application of this section, it would be appropriate to amend Subsection 18A. (36) 2 as follows:

- "2. No points of ingress or egress at the lot line, to or from the lot on which parking for a restaurant is located shall be situate closer than 30.0 metres (98.43 feet) to a residential district boundary."

This report has been prepared in consultation with the Building Department.

CONCLUSION:

On the basis of the foregoing, section 18A. (36) 2 should be appropriately amended to provide for consistency in interpretation and application.

2.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 4 February, 1999
(Kernighan Neighbourhood)
SAC-98-02 & ZAC-98-29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Subdivision Application "Parkway Manor" and Changes in Zoning –
803, 819, 823, 865 & 871 West 5th Street

A. That approval be given to **Subdivision Application 98-02, (Regional File No. 25T-98005), 1125814 Ontario Inc. (Silvestri Investments), prospective owner** to establish a draft plan of subdivision "Parkway Manor", on lands located east of West 5th Street and south of the Lincoln M. Alexander Parkway, known municipally as 803, 819, 823, 865 and 871 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:

- (i) That this approval apply to the plan prepared by A.J. Clarke & Associates Ltd., and certified by M.J. Terry, O.L.S., dated June 29, 1998, as revised in red, showing 58 lots for single detached dwellings, 10 blocks to be developed with the abutting lands for single detached dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and three streets identified as Street "A", Street "B" and Street "C", attached as Appendix "B";
- (ii) That Street "A", Street "B" and Street "C" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
- (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan;
- (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
- (v) That the final plan conform with the Zoning By-law approved under the Planning Act;

- (vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act;
- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (ix) That the Owner agree in writing not to apply for a Building Permit for Blocks 59 - 64, inclusive, Blocks 67 – 69, inclusive and Block 71 until such time as these lands have been assembled with the abutting lands to create building lots to the satisfaction of the Director, Planning and Development Department;
- (x) That the Owner agree in writing that Lot 10 and Blocks 64 and 71 are not to be developed until such time as Blocks 64 and 71 and the abutting lands have been assembled to the satisfaction of the Director, Planning and Development Department;
- (xi) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City/Regional Solicitor:

"Purchasers are advised that noise levels originating from the Lincoln M. Alexander Parkway may become of concern, occasionally interfering with some activities of the occupant;"

- (xii) That the Owner acquire the lands shown as Part 2 on Reference Plan 62R-10580 to establish Street "B" from West 5th Street to the west limit of the subdivision, and that Street "B" be dedicated to the City of Hamilton, prior to the registration of the first phase of development;
- (xiii) That the Owner agree in writing that the lands, shown as Part 2 on Reference Plan 62R-10580 and not required for roadway purposes, are not to be developed until such time as these lands have been assembled with the abutting lands to create building lots to the satisfaction of the Director, Planning and Development Department;
- (xiv) That the final plan of subdivision provide for a 0.30 m reserve along the southerly limits of Street "B" for a distance of 45m to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;
- (xv) That the radii labeled on the north-south section of Street "A" shown as 100m and 120m be reversed;

- (xvi) That Lots 29 to 35 inclusive, and Blocks 64 and 71 not be developed until such time as the cul-de-sac on Street "C" is established to its full width;
- (xvii) That a 10m radius transition be provided out of the cul-de-sac bulb on Street "C";
- (xviii) That 1m by 1m daylight triangles be provided at the intersection of Street "B" and Street "C";
- (xix) That 2m by 2m daylight triangles be established on all L-shape bends in the roadway, which includes Lots 8 and 18 on the draft plan submitted;
- (xx) That the maximum number of residential dwelling units with one public access street not exceed 100 units on a temporary basis;
- (xxi) That Lots 1 to 18 inclusive and Block 63 not be developed until either full street access is provided from adjacent lands to the south or Street "A" is established and constructed to its full 20m width;
- (xxii) That Lots 19 to 24 inclusive not be developed until such time as Street "A", abutting these lands is established and constructed to its full 20m width;
- (xxiii) That Block 66 (0.30 m reserve) be deleted from the final plan;
- (xxiv) That any dead-end and unopened sides of road allowances be terminated in 0.30 metre reserves;
- (xxv) That the owner provide a temporary cul-de-sac at the south termination of Street "A" constructed to Ontario Provincial Standards, with a 9 metre radius bulb enclosed by curbs, with a 15 metre radius of road right-of-way to the satisfaction of the Commissioner, Department of Public Works and Traffic;
- (xxvi) That the owner prepare and submit to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works and Traffic a driveway location plan for Lots 10, 11, 30 to 35, inclusive, and 43 to 50, inclusive, demonstrating that the driveways do not overlap onto the adjacent property;
- (xxvii) That the owner agree in writing to register on title of Lots 10, 11, 30 to 35, inclusive and 43 to 50, inclusive, the approved driveway location plan showing the driveway location. The owner shall also ensure that the driveway location plan is included in all offers of purchase and sale and reservation agreements, to the satisfaction of the Commissioner, Department of Public Works and Traffic and the City/Regional Solicitor;
- (xxviii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following notes:

- a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - b) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority;
 - c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction;
- (xxix) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented;
- (xxx) That the Owner dedicate Block 70, being a 5.18m road widening, to the Region of Hamilton-Wentworth to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
- (xxxi) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands;
- B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-98-02/25T-98005), "Parkway Manor", proposed draft plan of subdivision, and, that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- C. That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.
- D. That approval be given to **Amended Zoning Application 98-29, 1125814 Ontario Inc. (Silvestri Investments), prospective owner** for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District (Block "1"); from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, (Block "2"); from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified (Block "3"); from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified (Block "4"); from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential,

etc - Holding) District, modified (Block "5"); and from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc - Holding) District (Block "6"), for lands located east of West 5th Street and south of the Lincoln M. Alexander Parkway, known municipally as 803, 819, 823, 865 and 871 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District;
- (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, modified;
- (iii) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified;
- (iv) That Block "4" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified;
- (v) That Block "5" be rezoned from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc - Holding) District, modified;
- (vi) That Block "6" be rezoned from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc - Holding) District;
- (vii) That the Freeway Standards regulations as contained in Section 6 of Zoning By-law No. 6593, applicable to Blocks "2", "3", "4" and "5" be modified to include the following variance as a special requirement:
 - a) Notwithstanding Section 6.(19)(a) of Zoning By-law No. 6593, no residential structure shall be located closer than 12.5 m from the Mountain Freeway right-of-way;
- (viii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "5" and "6", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal sewers servicing the subject lands as the City deems necessary.
 City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in the By-law, by enactment of an amending By-law once the condition is fulfilled;
- (ix) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - . and that the subject lands on Zoning District Map W-9B be notated as S - ;
- (x) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
- (xi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning for lands located at the ") for lands located east of West 5th Street and south of the Lincoln M. Alexander Parkway, known municipally as 803, 819, 823, 865 and 871 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:

Block "1"	From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
Block "2"	From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified;
Block "3"	From "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified;
Block "4"	From "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified
Block "5"	From "AA" (Agricultural), to "C" – 'H' (Urban Protected Residential, etc. - Holding) District, modified; and,
Block "6"	From "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc. - Holding) District.

The effect of the By-law is to permit the development of the subject lands in accordance with the proposed plan of subdivision "Parkway Manor" (Regional File No. 25T-98005) as follows:

Block "1"	24 lots and 1 block for single detached dwellings;
Block "2"	1 lot for a single detached dwelling;
Block "3"	8 lots and 3 blocks for future development with the abutting lands for small lot single detached dwellings;
Block "4"	3 blocks for future development with the abutting lands for single detached dwellings;
Block "5"	1 block for future development with the abutting lands for a single detached dwelling, subject to the availability of servicing ; and,
Block "6"	25 lots and 1 block for single detached dwellings with the abutting lands, subject to the availability of servicing

In addition, for Blocks "2", "3", "4" and "5", the By-law permits a reduced rear yard setback from 25 m to 12.5 m for those lots abutting the Lincoln Alexander Freeway right-of-way. With respect to Blocks "5" and "6", the By-law prohibits the development of the subject lands until the holding provision has been removed which is conditional upon availability of all such municipal sewers servicing the subject lands as the City deems necessary.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act and the City of Hamilton Official Plan, Council shall hold at least one (1) public meeting for an application for a change in zoning and draft approval of a plan of subdivision.

BACKGROUND:

Proposal:

The proposed plan of subdivision, as red-line revised, is to subdivide the subject lands into 58 lots for single detached dwellings, 10 blocks to be developed with the abutting lands for single detached dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and three streets identified as Street "A", Street "B" and Street "C", as shown on the attached map marked as Appendix "B".

Applicant:

1125814 Ontario Inc. (Silvestri Investments), prospective owner.

Agent:

Al Fletcher, A.J. Clarke and Associates Limited.

Surveyor:

M.J. Terry, O.L.S.

Location:

The lands are located east of West 5th Street and south of the Lincoln M. Alexander Parkway, known municipally as 803, 819, 823, 865 and 871 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A".

Lot Size and Area:

The subject lands are irregular in shape, comprised of the rear of the properties located at 803, 819, 823, 865 and 871 West 5th Street and have:

- A width of approximately 250 m;
- A depth of approximately 150 m; and,
- A total area of 3.75 ha.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"AA" (Agricultural) District
<u>Surrounding Land Use</u>		
To the north	Lincoln M. Alexander Freeway	"AA" (Agricultural) District
To the south	Vacant Lands and Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Commercial Uses	"G-3" (Public Parking Lots) District

OFFICIAL PLAN:

The subject lands are designated as "**RESIDENTIAL**" on Schedule "A" of the City of Hamilton Official Plan. The proposed plan of subdivision and changes in zoning comply with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "**Single and Double**" Residential in the approved Kernighan Neighbourhood Plan. The proposed changes in zoning comply with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the zoning and subdivision applications and provide the following comments.

A temporary cul-de-sac must be constructed at the south termination of Street "A". It must be constructed to Ontario Provincial Standards, with a 9 metre radius bulb enclosed by curbs, with a 15 metre radius of road right-of-way. The additional 6 metres surrounding the paved bulb provides for a buffer area for snow storage, provides additional space for large vehicles turning around in the bulb and ensures parked vehicles are not encroaching on the paved portion of the roadway.

We request that as a condition of draft plan approval, a plan be submitted to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works indicating the driveway locations for lots 10, 11, 30 to 35 and 43 to 50. This will ensure that the driveways do not overlap onto the adjacent property. A covenant must be registered on title for each individual lot showing the approved driveway location."

- The Hamilton Region Conservation Authority (HRCA) have advised that they have no objection to the proposed change in zoning.

With respect to the proposed plan of subdivision, the HRCA advised of the following:

- "1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan should include the following notes:
 - a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;
 - c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;
 - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction;
2. That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address stormwater quantity and quality issues and ensure that current Provincial drainage and stormwater management quality guidelines are implemented.

Comments:

Removal of vegetative cover combined with the construction of the subdivision may increase erosion and sedimentation both on and off the subject property. In this regard, an erosion and sediment plan should be prepared and implemented for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

A stormwater management plan is required for this site. This report will explain the manner in which stormwater will be conveyed from the site, including stormwater

management techniques in accordance with Provincial drainage and stormwater quantity and quality guidelines.

Ministry of Natural Resources concerns regarding this project have been addressed through the comments and conditions provided by the HRCA.”

- The Building Department advised of the following:
 - “1. Every lot must abut a public highway having a minimum width of 12.0 m and have acceptable access from a public highway.
 2. Freeway Standards are applicable to the proposed lots for location and construction standards.
 3. Every lot in the “C” District shall have a lot width of 12.0 m and a lot area of 360 m².
 4. Every lot in the “R-4” District shall have an average lot width of 10.0 m and an average lot area of 306.0 m².
 5. The dimensions of every lot and block have not been indicated.
 6. None of the lot areas have been provided to determine compliance.
 7. A portion of the lands adjacent to the rear of 1170-1180 Upper James Street are presently located within a ‘C/H’S-1366 District under By-law 97-136 and also a Site Plan Control By-law 97-135 was passed.”
- The Regional Environment Department, Development Engineering Section advised of the following:

“Information:

 1. In the initial preparation of the Kernighan Neighbourhood Plan, two blocks of land were set aside for Private and Public School Sites. In our conversations with Planning staff, it was noted that the Public School Site immediately adjacent to the proposed subdivision could be sold by the Province of Ontario.
 In our previous comments at the preconsultation meeting for this subdivision we recommend that the Kernighan Neighbourhood Plan be reviewed to determine whether the land uses and road pattern should be revised to accommodate these possible changes.
 It is still our first recommendation that the Kernighan Neighbourhood Plan review be completed prior to the approval of further development within this neighbourhood.
 2. At present, the Region owns an approximate 5 m wide strip of land between the south limits of the Freeway and the first commercial property which may be suitable for pedestrian and bikeway access from the internal neighbourhood street to Upper James Street. We recommend that as part of this subdivision review that the City of Hamilton Planning Department review this portion of the

neighbourhood and the street and lot fabric to determine whether or not this walkway/bikeway should be included in the draft plan and extended externally to Upper James Street.

3. The applicant should consider shifting the roadway to the south side of Part 2 on Reference Plan 62R-10580. This will provide more developable lands on the north side of the street adjacent to lands already owned by the applicant. However, this can only be determined when the engineering plans are prepared since the additional 2m on the southside may be required to provide transitional grading between the lands to the south and the new east-west street.
4. As Street "A" adjacent to Lots 20 to 25 must be established to its full 20m, the applicant should review the need for establishing a 0.30 m reserve shown as Block 66 in the interim.
5. We have attached a copy of the "Residential Development Standards Adjacent to the Freeway Lands" which was adopted by City of Hamilton Council on September 27, 1977.

Recommendations:

1. That the Owner acquire the lands shown as Part 2 on Reference Plan 62R-10580 and that the lands required to establish Street "B" from West 5th Street to the west limit of the subdivision be dedicated by By-law by the City of Hamilton. The final location of the street must be shown on a reference plan prepared by the Owner to the satisfaction of the Commissioner of Transportation.
2. That the radii labeled on the north-south section of Street "A" shown as 100m and 120m be reversed.
3. That Lots 29 to 35 inclusive, and Block 64 not be developed until such time as the cul-de-sac on Street "C" is established to its full width.
4. That a 10m radius transition be provided out of the cul-de-sac bulb on Street "C".
5. That 1m by 1m daylight triangles be provided at the intersection of Street "B" and Street "C".
6. That 2m by 2m daylight triangles be established on all L-shape bends in the roadway, which includes Lots 8 and 18 on the draft plan submitted.
7. That the maximum number of residential dwelling units with one public access street not exceed 100 units on a temporary basis.
8. That Lots 1 to 18 inclusive and Block 63 not be developed until either full street access is provided from adjacent lands to the south of West 5th Street or Street "A" north of Lot 1 is established and constructed to its full 20m width.
9. That Lots 19 to 24 inclusive not be developed until such time as Street "A", abutting these lands is established and constructed to its full 20m width.
10. That prior to the approval of reduced lot depths adjacent to the Freeway from 45m to 35 m, the applicant provide the City of Hamilton with appropriate noise studies and documentation which indicates that the noise levels within the rear

yards of these lots conforms to the requirements of the City of Hamilton Official Plan.

11. That Block 66 (0.30 m reserve) be deleted from the final plan.
12. That any dead-end and unopened sides of road allowances be terminated in 0.30 metre reserves.
13. That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by M.J. Terry, O.L.S., stamped with the date June 29, 1998 is satisfactory to the Regional Environment Department subject to the above comments and recommendations."

- The Regional Environment Department, Development Division advised of the following:

"The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP). The proposal conforms with the intent of the HWOP.

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS provided the potential for noise impacts on future residential developments is addressed.

Since the subject property is adjacent to the Lincoln M. Alexander Parkway to the north, there is the potential for noise impacts to future residents of the proposed development. As such, the proposed development should be conditional upon the following:

- 1) That the owner agree in writing to register the following noise warning clause for all the residential units within the proposed development:

"Purchasers are advised that noise levels originating from the Lincoln M. Alexander Parkway may become of concern, occasional interfering with some activities of the occupant."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Kernighan Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the Kernighan Neighbourhood Plan;
 - ii) it is consistent with planned development in accordance with the Kernighan Neighbourhood Plan; and,
 - iii) it would be compatible with the existing and planned residential uses in the surrounding area.

3. The subject lands abut the Lincoln M. Alexander Freeway. Based on the information on noise in this area from the Freeway Studies, the outdoor noise level is projected to exceed 55 dBA for the residential lots abutting the Freeway right-of-way. In accordance with the City of Hamilton Official Plan, new residential development is not permitted where the attenuated noise level exceeds 60 dBa.

The applicant has submitted a noise impact study in support of the requested zoning variance to reduce the depth of the lots abutting the Freeway right-of-way as shown on the neighbourhood plan from 45 m to 35 m. The noise study prepared by HGC Engineering states that the "proposed shortening of lots 50 through 58, from 45 m to 35m does not significantly increase the noise levels." The study did conclude that the daytime noise levels in the outdoor recreation space for Lots 48 – 56 would be at, or less than 56.1 dBa. The Regional Environment Department concurs with the conclusions of the noise study.

It is noted that the balance of the subject lands comply with the noise policies of the Official Plan. However, the Regional Environment Department has recommended that as a condition of draft plan approval that a noise warning clause advising that noise levels originating from the Lincoln M. Alexander Parkway may become of concern, occasionally interfering with some activities of the occupant be included in all offers of purchase and sale and reservation agreements.

4. Lots 1 - 24, inclusive, and Block 63 cannot be developed until such time as Street "A" has been established as a 20.0 m road allowance and municipal sewers have been extended to service these lands. This will require land assembly with the abutting land owners adjacent to Lots 19 – 24, inclusive to establish and construct Street "A" as a 20m road allowance. In this regard, it is appropriate to place Blocks "5" and "6" in a holding zone, pursuant to Section 36 of the Planning Act, until such time as all municipal sewers servicing these lands, as the City deems necessary, are available.
5. The applicant has initiated negotiations with the City of Hamilton and the Region of Hamilton-Wentworth to acquire the City and Regional lands for the connection of Street "B" with West 5th Street and the lands adjacent to Blocks 59, 60 and 61. The acquisition of these lands is required for the orderly development of the proposed plan of subdivision and a report recommending the sale of the City lands is scheduled to be presented to the February 16th, 1999 Finance and Administration Committee meeting.
6. The Regional Environment Department has indicated that the Kernighan Neighbourhood Plan should be reviewed to determine if the designated land uses and road pattern should be revised to accommodate the possible disposal of the public school site and to provide for a pedestrian and bikeway access from the internal neighbourhood street to Upper James Street.

Development within the Kernighan Neighbourhood has been proceeding in accordance with the approved neighbourhood plan (see Appendix "C"). The road network has been established through the planning approvals for the "Woodland Meadows" and "Blossom Estates" subdivisions and the rezoning of the rear of 1200 Upper James Street for single detached dwellings.

The 1996 Parks Expenditures Policy report identified a parkland deficiency in the Kernighan Neighbourhood. It should be noted that if the school site is declared surplus, then a portion of these lands could be incorporated into the municipal parkland to address the existing deficiency.

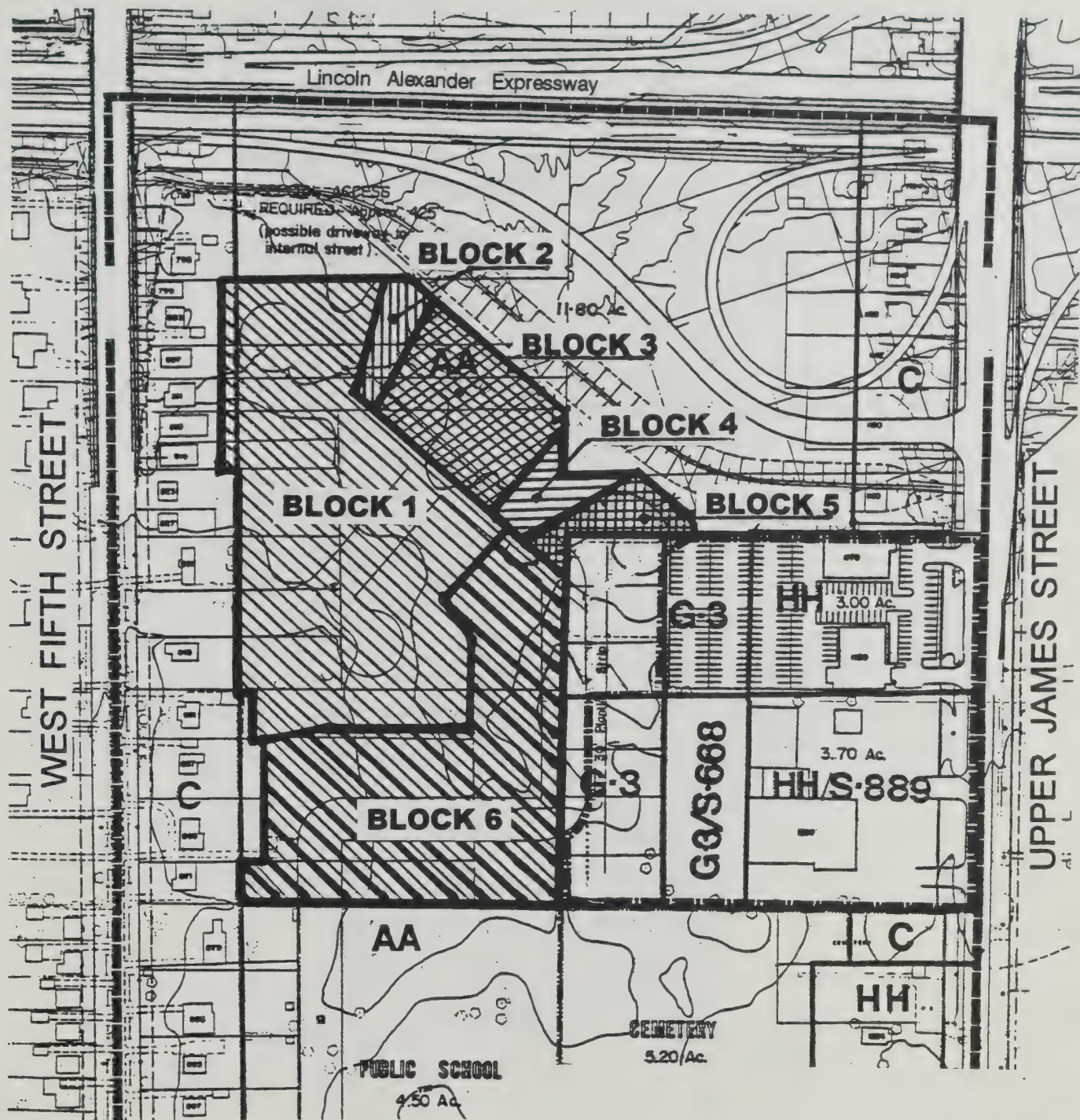
The approved Kernighan Neighbourhood Plan identifies a bicycle route along Blossom Lane which connects the internal streets with Upper James Street. At the time of development review for the school site (for either an elementary school through site plan review or for a rezoning application for alternative uses), connections between the internal road network and Blossom Lane can be further examined. As such, an additional off-street access from the "Parkway Manor" subdivision to Upper James Street via the Regional owned lands is not required.

7. Prior to the registration of the subdivision, the applicant will be required to acquire the lands shown as Part 2 on Reference Plan 62R-10580 from the City of Hamilton. These lands are required to establish Street "B" from West 5th Street to the west limit of the subdivision. Upon acquisition of these lands, the Region of Hamilton-Wentworth has indicated that the applicant will be permitted to incorporate these lands into the final plan of subdivision. As such, at the time of registration of the subdivision, Street "B" will be dedicated to the City of Hamilton by way of the Owner's Certificate on the final plan.
8. The Building Department has advised that the dimensions of every lot and block have not been indicated and that none of the lot areas have been provided to determine compliance with the applicable provisions of the Zoning By-law. As a condition of draft plan approval the applicant will be required to submit a certified list, prepared by an Ontario Land Surveyor, showing the net lot area and width of each lot and block demonstrating that the proposed lots comply with the Zoning By-law.
9. The approved Kernighan Neighbourhood Plan designates a site for park and recreational uses to the south of the subject lands. As such, rather than requiring the developer to dedicate 5% of the total area of the subdivision for parkland, the proponent will be required to make a 5% cash-in-lieu payment to the City of Hamilton as a condition of draft plan approval.

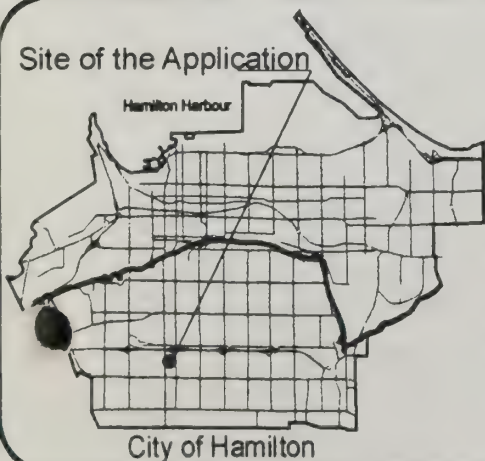
CONCLUSION:

On the basis of the foregoing, the amended applications can be supported.

SR/sr



Site of the Application



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

BLOCKS

- 1 "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District
- 2 "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified
- 3 "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified
- 4 "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified
- 5 "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District, modified
- 6 "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District

Change in Zoning from:

Reference file:

ZA-98-29

Scale

Not to Scale

Date

February, 1999

Technician:

B. B.



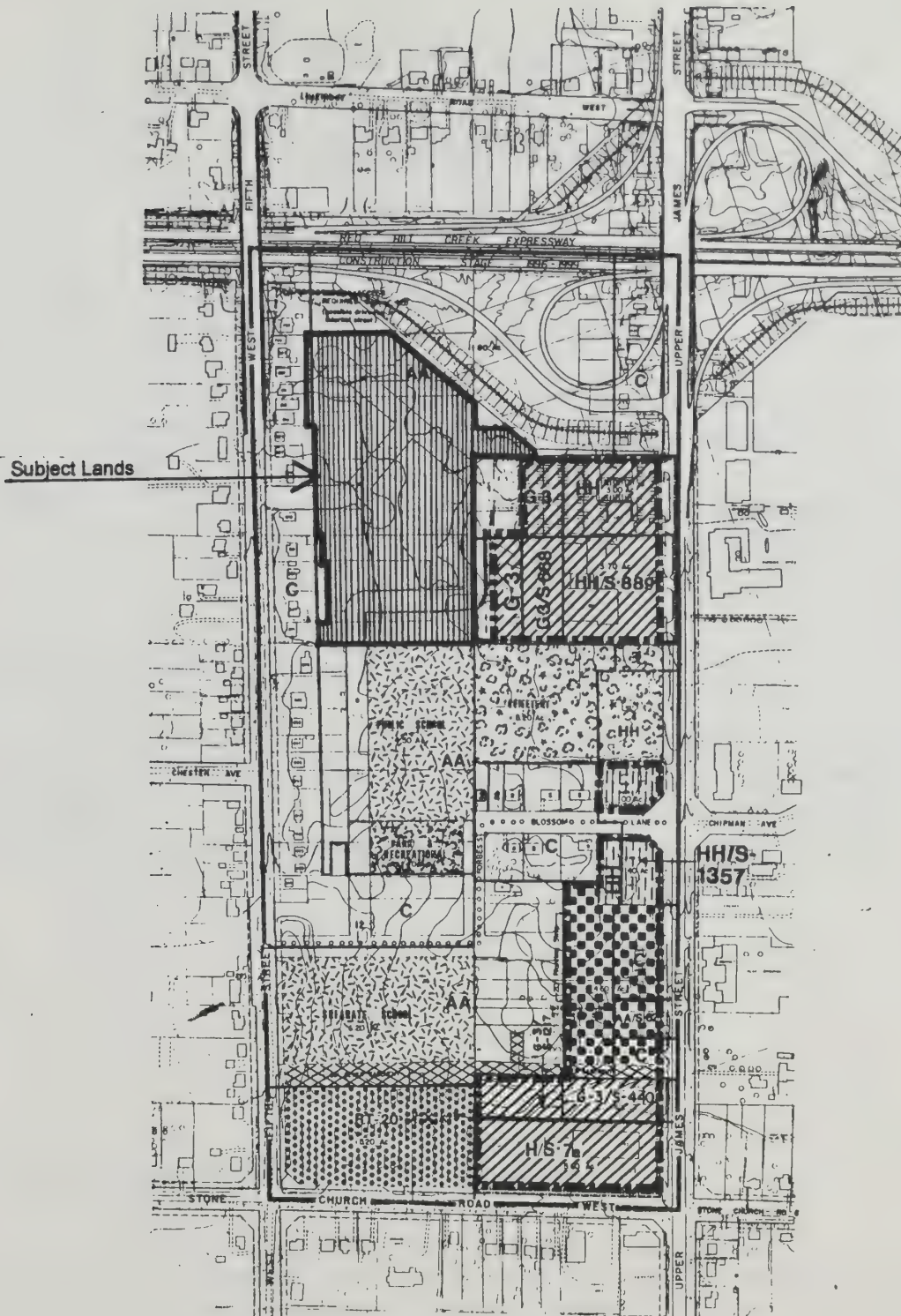


M. J. TERRY O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

JUL 29 1954

A
LT
A. J. Clark and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS




Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LEGEND:












- ■ ■ ■ ■ AREA SUBJECT TO URBAN DESIGN GUIDELINES
- POSSIBLE BIKEWAY ROUTE
- SEPERATE SCHOOL LANDS
- CITY LANDS
- JEWISH CEMETERY LANDS

NOTE:

Existing trees in the centre of Forbes Street are to be maintained

 "Parkway Manor" Subdivision

EXISTING POPULATION (1994) 276


LAND USE	
RESIDENTIAL	
	single & double attached housing
	low density apartments
	medium density apartments
	high density apartments
	commercial & apartments
	COMMERCIAL
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
	UTILITIES
	NEIGHBOURHOOD COMMERCIAL

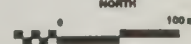
--- Neighbourhood Boundary
 --- Zoning Boundary

Approvals
 Planning Committee JUNE 8, 1988 Council JUNE 28, 1988
 Latest Revision Date OCTOBER 1, 1990

CITY OF HAMILTON
 PLANNING DEPARTMENT

KERNIGHAN
 APPROVED PLAN


 NORTH


 SCALE 0 100 m

86

CITY OF HAMILTON

3.

- RECOMMENDATION -

DATE: 1999 February 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a 5 year time frame for the "Completion of Works" and exemption from the provision of "Security Requirements" under Site Plan Control - 27 Dundurn Street North.

RECOMMENDATION:

That the request for a five (5) year time frame for the Completion of Works under site Plan Control and exemption from Site Plan Control Security Requirements by Hugh MacLeod, owner of lands at 27 Dundurn Street North for a 60 seat live theatre with attendant facilities, a 24 seat restaurant and 1 dwelling unit within the existing building, as shown on the attached map marked as Appendix "A", be denied.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

On March 8, 1994, City Council adopted requirements for securities to be provided in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lane, parking areas, fences, landscaping, etc.) are constructed and are in accordance with the approved plans of projects.

Under Site Plan Control By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease.

Therefore, City Council approval is required to extend the date for Completion of Works and to exempt projects from the provision of securities.

BACKGROUND:

The Planning and Development Committee and City Council **approved Zoning Application ZAC-98-18, by Hugh MacLeod, owner**, on September 23, 1998 and September 29, 1998, respectively, for a change in zoning from "C" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "D" – 'H' (Urban Protected Residential – One and Two Family Dwellings, etc. – Holding) District, modified to permit a sixty (60) seat live theatre with attendant facilities, a twenty-four (24) seat restaurant, and one (1) residential dwelling unit within the existing building, for property located at 27 Dundurn Street North. In addition, the amending by-law applied the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

- i) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
- ii) The applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District modified provisions as stipulated in By-law 98-258 by enactment of an amending By-law once the conditions are fulfilled.

By-law 98-258 came into effect on December 3, 1998.

To date, a Site Plan Control Application has yet to be submitted for approval. However, the owner has advised that the time frame to complete the required works (i.e. two (2) years) and the requirements for securities under Site Plan Control Approval are onerous and could jeopardize the project. Therefore, the owner has requested an extension of the time period to complete works under Site Plan Control Approval from two (2) years to five (5) years, and has requested an exemption from the provision of security requirements.

COMMENTS:

On March 8, 1994, City Council adopted requirements for securities to be provided in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lane, parking areas, fences, landscaping, etc.) are constructed and are in accordance with the approved plans. At that time, the amount of the securities was calculated at 100% of the estimate of the exterior works.

At its meeting of May 10, 1994, City Council amended the calculation to be 75% of the estimate of the exterior works with permitted reductions of the security held on a request basis to 50% of the total value of the works required. In addition, the policy specified

that "...City Council may exempt projects being carried out by government (Federal, Provincial and Municipal), as well as School Board projects, from providing securities;".

Subsequently at its meeting of February 10, 1998, City Council adopted the policy that reductions of securities be permitted to an amount equal to the total value of the works outstanding, but not less than 10% of the total value of the works required under the Agreement.

During the review of the zoning application for the subject lands (i.e. ZAC-98-18), it is was noted by the affected municipal departments (i.e. Building, Traffic and Roads) that the existing parking lot and access did not meet current standards, thus further review would be required at the Site Plan Stage of development.

Based upon a preliminary site plan (See Appendix 'B'), the Regional Environment Department has advised that approximately \$6,000.00 of works are required to repave the parking area and provide a visual barrier. Furthermore, if a conservative landscape treatment is added an additional \$4,000.00 would be required for a total of \$10,000.00 of site works for the parking area. The current security requirements (i.e. 75% of the cost of exterior works) would then require a letter of credit in the amount of \$7,500.00 prior to the issuance of a Building Permit.

With respect to the request for a 5 year time frame for the Completion of Works, Site Plan Control By-law No. 87-150 specifies a two (2) year time frame from the date of approval. In this regard, City Council has, upon request, only granted a maximum one (1) year extension after a Site Plan Control Application has been approved, and only when the initial two (2) year period is about to expire under the terms of the registered agreement.

The most recent request for an extension of the approval of plans and drawings was for six (6) months related to Site Plan Control Application DA-95-08 by Toys 'R' Us, for property at 970 Upper Wentworth. This was approved by the Planning and Development Committee on September 11, 1998, in order to allow the applicant to complete negotiations with a new tenant.

With respect to the request for exemptions from Site Plan Control security requirements, it should be noted that Council has only exempted municipal and government projects from the provision of securities, as per Council adopted policy.

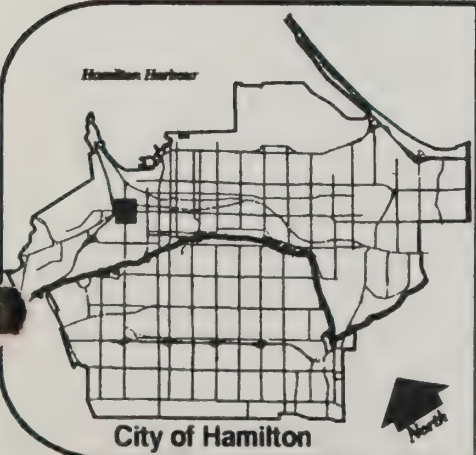
Upon approval of a Site Plan Control Application and upon request during the completion of a project, Planning Committee has reduced the initial security requirements in accordance with adopted City policy.

However, where no Site Plan Control Application has been approved or when works have not commenced, Planning Committee has not supported any reductions. The most recent request for reduction of securities was for DA-98-04 at the corner of Wilson and Wellington for a 4 storey, 12 unit multiple dwelling, which was denied by the Planning and Development Committee on October 7, 1998. In that instance, the owner had requested that the security be established at \$10, 000. 00 which was 28.5 % of the total cost estimate.

CONCLUSION:

The established City Council policy regarding time frames for the Completion of Works and the provision of 75% of the total construction costs as security should be maintained and the request denied.

JL/mm
ZAC-98-18

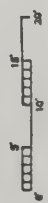
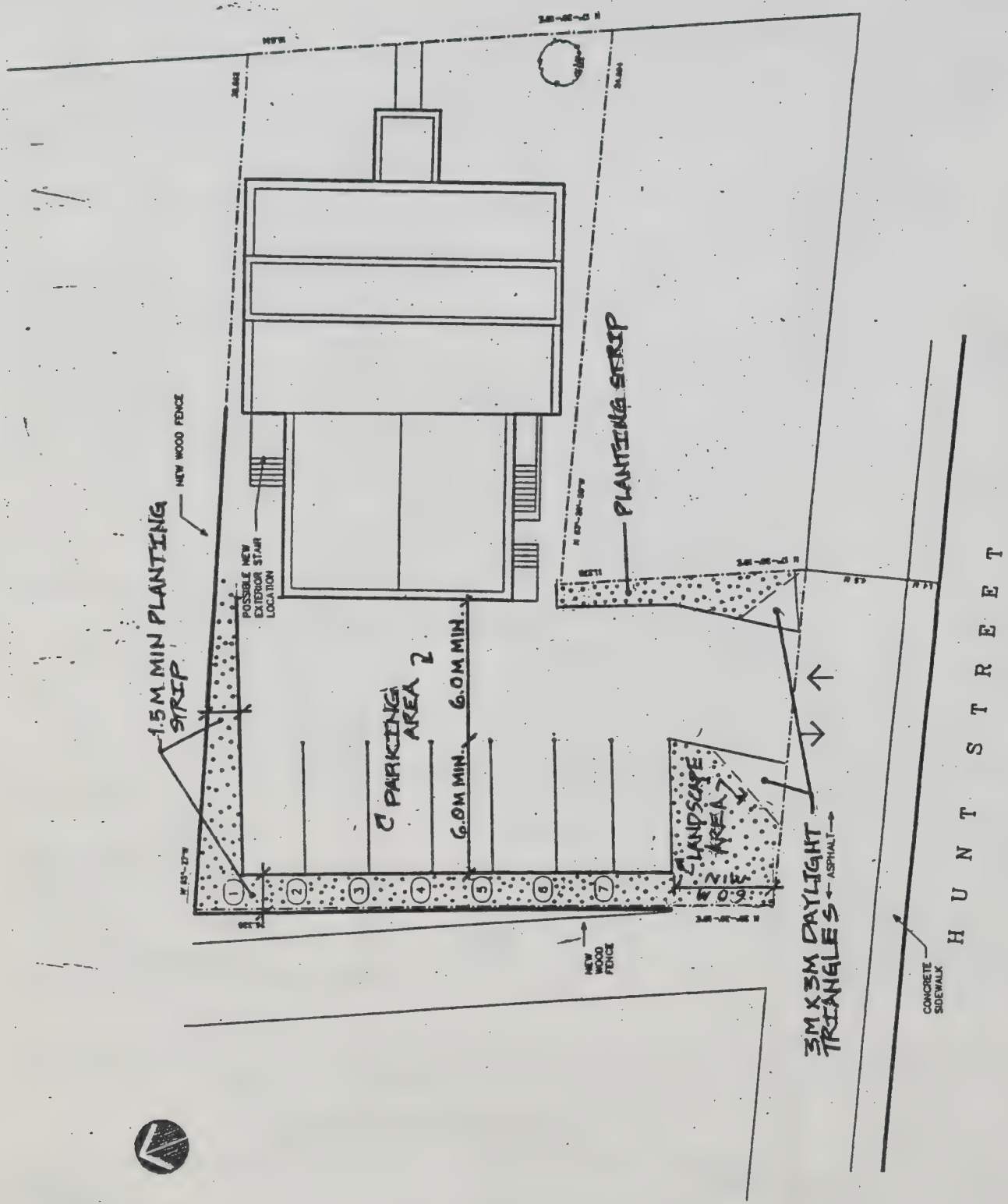


PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

<p>Legend</p> <div style="display: flex; align-items: center; margin-bottom: 10px;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 10px;"></div> <p>Site of Application</p> </div>	Reference file:
	ZAC-98-18
	Scale
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	Date
May, 1998	
Technician:	
FAB	
APPENDIX A	

SITE PLAN



4.

Office of the Municipal Clerk
Memorandum

TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. J. Schatz
Municipal Clerk
Office of the Municipal Clerk

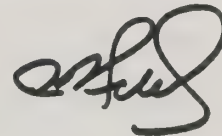
PHONE: (905) 546-2727

DATE: 1999 February 10

SUBJECT: Referral from Committee of the Whole re:
Increase of Beds or Services at 94 York Blvd.

The Committee of the Whole at its meeting of February 9, 1999, referred the following motion to the Planning and Development Committee for consideration as follows:

"That the City of Hamilton inform the Federal Government that it opposes any increase of beds or services provided at the current temporary site located at 94 York Boulevard."



cc. Alderman Horwath
L. Coveyduck, General Manager, Community Planning and Development
Division
Victor Abraham, Director of Planning and Development

TA

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1999 February 17

9:30 o'clock a.m.

Room 233, City Hall

5.

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1999 January 20

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

- (i) Barton Village Business Improvement Area (B.I.A.) – Revised Board of Management
- (ii) Concession Street Business Improvement Area (B.I.A.) – Revised Board of Management
- (iii) Downtown Hamilton Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payments for 1999

C. GENERAL MANAGER, PLANNING AND DEVELOPMENT DIVISION

- (i) 1999 - 2008 Provisional Capital Budget Program
- (ii) Request for a one year extension for the approval of Site Plan Control Application DA-96-32 by Future Homes and St. Michael Place Inc., owner, for lands located at 25 and 35 Rymal Road West.
- (iii) 1999 Planning Conferences.

D. GENERAL MANAGER, CORPORATE SERVICES

- (i) Declaration of Surplus Property/Inclusion in the Land Titles & Rezoning Application of 1125814 Ontario Ltd. – 837 West 5th Street
- (ii) Extension of Construction Dates – 1650 Upper Ottawa Street

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, February 3, 1999
Room 233, City Hall
9:30 o'clock a.m.

A.

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. Morrow
Alderman B. Charters
Alderman B. Kelly
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger

Regrets: Mayor Morrow (Civic Business)

Also present: Alderman Collins
Alderman Corsini
L. Coveyduck, General Manager, Community Planning and Development
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Keith Extance, Planning and Development Department
Bill Janssen, Planning and Development Department
Art Zuidema, Law Department
Ed Switenky, Public Works and Traffic Department
Len King, Building Commissioner
Eugene Chajka, Regional Environment Department
Mark Mascarenhas, Housing and Loans Division
Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. **Zoning Application 98-42 and Subdivision Application 98-06, by Harp Homes Building Corp. , Prospective Owners for a Change in Zoning from "AA" District to "C" District for Lands Located at the rear of 1501 Upper Sherman Avenue**

The Committee was in receipt of a submission from Vito Sgro, 791 Upper Horning Road, Hamilton.

Paul Mallard advised that the application is for a draft plan of Subdivision and a zoning to allow the development of 8 lots for single detached dwellings and 5 blocks to be developed with the adjoining lands.

The proponents were present in support of the application.

In response to a question from Alderman Copps, Eugene Chajka advised that he has met with Mr. Sgro to discuss his concerns. Mr. Chajka said that the matter regarding underground servicing will be directed to the Region.

The Committee directed the environment department staff to reply to Mr. Sgro's letter.

As recommended in a report from the General Manager, Community Planning and Development Division dated January 22, 1999 the Committee recommended to Council as follows:

- A. (a) That approval be given to Subdivision Application 98-06, (Regional File No. 25T-98014) , Harp Homes Building Corporation. (M. Mazza), prospective owner to establish a draft plan of subdivision "Eagleview Estates, Phase 3", on lands located east of Upper Sherman Avenue, west of Eleanor Avenue and south of Dalia Avenue/Dulgaren Street, and located at the rear of 1501 Upper Sherman Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated November 20, 1998, showing 8 lots for single detached dwellings, 5 blocks to be developed in conjunction with the abutting lands for single detached dwellings, 1 block being a 0.30 m reserve, and 3 streets identified as the extensions of Eaglewood Drive, Dulgaren Street and Street "A", attached as Appendix "B"; and,
 - (ii) That the streets be named from the list of reserved street names for the City of Hamilton to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
 - (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (vi) That the owner provide the City of Hamilton with a certified lot showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
 - (viii) That Lots 1 to 5 inclusive not be developed until such time as Street "A", abutting these lands is established and constructed to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (ix) That any dead-end and unopened sides of road allowances are terminated in 0.30 metre reserves; and,

- (x) That Eaglewood Drive and Dulgaren Street be terminated with temporary asphalt turnarounds within the proposed 20 metre road allowances if Street "A" is not established to its full width with the development of any portion of these lands and that lots not be allowed to develop adjacent to the temporary asphalt turnarounds until such time as the permanent road has been established fronting onto these lots; and,
 - (xi) That the Owner agree in writing that Blocks 9 – 13, inclusive, are to be developed in conjunction with the abutting lands; and,
 - (xii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,
 - (xiii) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton, prior to development of any portion of these lands; and,
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-06/25T-98014), "Eagleview Estates, Phase 3", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the Municipal Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision; and,
- B. That approval be given to Zoning Application ZAC-98-42, Harp Homes Building Corporation, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family dwellings, for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and south of Dalia Avenue/Dulgaren Street, and located at the rear of 1501 Upper Sherman Avenue in the Eleanor Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning.

2. Zoning Application 97-41, by Anne E. Schoeman, Owner, for a Modification to the "D" District for Property Located at 233-235 Locke Street North.

Anne Schoeman, applicant was present.

Paul Mallard advised that the application is for permission to allow 4 dwelling units in an existing building. A boulevard parking agreement will be required and the lands will be placed in a holding zone until such time as a site plan is obtained. He clarified that the applicant is providing 4 parking spaces.

As recommended in a report from the General Manager, Community Planning and Development Division dated January 21, 1999 the Committee recommended to Council as follows:

That approval be given to Zoning Application 97-41, Anne E. Schoeman, owner, requesting a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, for property located at 233-235 Locke Street North, shown on the attached map marked as Appendix "C", on the following basis:

- (i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the required parking layout, grading, and landscaping.

City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.
- (ii) That the "D" (Urban Protected Residential – One and Two Family Dwellings) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 10(1) of Zoning By-law No. 6593, the existing building may be used as a multiple dwelling containing not more than four (4) Class "A" dwelling units, subject to the Residential Conversion Requirements of Section 19; and,
 - (2) That notwithstanding Section 19 and Section 18A of Zoning By-law No. 6593, a minimum of four (4) parking spaces shall be provided and maintained; and,
 - (3) Section 18A.(9) shall not apply; and,
 - (4) Notwithstanding Section 10(3)(iii) of Zoning By-law 6593, a minimum rear yard depth of .20 m (.67 ft.) shall be provided and maintained for the existing attached concrete block building; and,
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1423, and that the subject lands on Zoning District Map W-11 be notated S-1423; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,

- (v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

- Alderman Copps opposed

3. REFERRAL BACK FROM COUNCIL

Zoning Application 98-22, for Property Located at 1394 Upper Gage Avenue

Alderman Kelly advised that this has been referred back from City Council as a result of various concerns raised by area residents.

A discussion ensued regarding the new circularization requirements for public meeting under the Planning Act. Peter Cecchi of 631 Rymal Road, East, representing the owners of the property, and Mark Cline, leasing representative, were present.

Mr. Cecchi stated that the notice for public meeting was properly circulated under the Planning Act and that eventually there would be some type of development on the property.

Mark Cline stated that he has met with Alderman Kelly. He stated that the use is only temporary and there has not been a large public outcry. In his opinion only 2 homes may be able to view the sign. He noted that 3 of the 4 corners in the intersection are commercial. He felt that the sign industry has been a good corporate citizen in that they have provided free space to charities, including signage for the city's Sesquicentennial.

Alderman Kelly advised that he represents many residents who are unable to be at the meeting.

Contrary to the recommendation of the General Manager, Community Planning and Development Division, the Committee recommended denial to Council as follows:

That Zoning Application ZAC-98-22, Cantrico Investments Inc., owner, for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations to permit the temporary use of the lands for a third party/billboard sign for a period of 3 years, under Section 39 of the Planning Act, for property located at 1394 Upper Gage Avenue, as shown on the attached map marked as Appendix "D", be denied for the following reason:

That a third party/billboard sign is incompatible with, and will have negative impacts (visual intrusion) on the adjacent residential uses.

4. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION

(a) Proposed Draft Plan of Condominium – Condominium Conversion, 2 Cherry Hill Avenue – 89-101 Mount Albion Road

Keith Extance gave a brief summary of the report stating that the condo conversion will not adversely affect the rental housing stock in the City.

The proponents were present in support of the application.

In response to a question from Alderman Copps, Keith Extance advised that the actual on site landscaping is 51%.

As recommended in a report from the General Manager, Community Planning and Development Division dated January 20, 1999 the Committee recommended to Council as follows:

- (a) That approval be granted to application CDM-CONV-98-014 (Regional File 25CDM-98020) submitted by Four M & C Holdings Ltd., owner, for a draft plan of condominium for property located at No. 2 Cherry Hill Avenue - 89-101 Mount Albion Road, as shown on the attached Plan marked as Appendix "E", to provide for a condominium comprised of 8 individual townhouse condominium units, subject to the following conditions:
 - (i) That this approval applies to the attached draft plan dated September 29, 1998 (Appendix "E") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City/Region Law Department; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. and,
- (b) **Site Plan Control Application 98-44, by Cadillac Fairview, for the expansion of the Existing Fortino's Grocery Store, Located at 75 Centennial Parkway North.**

The Committee was in receipt of a report from the General Manager, Community Planning and Development Division dated January 21, 1999 respecting the above.

Paul Mallard advised that the application is for an addition to the existing Fortinos. There will be controlled access on Delawana Drive and access also to Centennial Parkway. As a condition of approval a grading plan is required and they must apply to the Committee of Adjustment or through the Planning and Development Committee for a rezoning.

The proponents were present in support of the application.

Alderman Cops stated that trees removed should be replaced at equal size.

Alderman Collins felt that the expansion will add to the traffic concerns on Delawana Drive.

Paul Mallard advised that because the Planning and Development Committee has been delegated the authority to make decisions with regard to site plans, the decision will not be forwarded to Council.

The Committee approved the recommendation of the General Manager, Community Planning and Development Division, dated January 21, 1999 as follows:

- (a) That approval be given to Site Plan Control Application DA-98-44, Cadillac Fairview Corp. for lands located at 75 Centennial Parkway North, to permit a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store located at Eastgate Square, as shown on the attached map marked as Appendix "F", subject to the following:
 - (i) modification to plans in relation to notes and dimensions, as marked in red on the plans; and,
 - (ii) submission of a revised landscaping plan to the satisfaction of the Director, Planning and Development Department; and,
 - (iii) submission of a revised grading plan to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (iv) that the applicant enter the necessary agreements, to be approved by the City of Hamilton Transport and Environment Committee, for the roadway alterations required on Delawana Drive and Centennial Parkway; and,
 - (v) the applicant dedicate to the City of Hamilton any lands required for road widening purposes of Delawana Drive as a result of the proposed roadway improvements to maintain the Utilities in their respective corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance; and,
 - (vi) the applicant enter into an encroachment agreement with the City of Hamilton for the existing and proposed landscaped berms and trees within the Delawana Drive road allowance; and,
 - (vii) that the applicant apply for and receive final approval from the Committee of Adjustment for relief from the provisions of the City of Hamilton Zoning By-law No. 6593, as amended by By-law No. 71-79, or for a Zoning By-law amendment, to permit the expansion of the existing Fortino's grocery store and the reconfiguration of the parking, driveway and landscaped areas; and,
 - (viii) that the City of Hamilton Transport and Environment Committee be requested to approve the removal of the 12 existing trees located within the Delawana Drive and Centennial Parkway North road allowances, to permit the relocation of the driveway access points, conditional upon the applicant paying all costs associated with the removal and replacement of said trees.

* Alderman Copps and Alderman Charters opposed.

5. MAYOR MORROW AND ALDERMAN CAPLAN

Request for Exemption from Requirements for Securities Under Site Plan Control Re: Staircase Theatre, 27 Dundurn Street (Verbal Report)

Ms. Garneau, owner of the property was present.

Alderman Caplan said that the owners have already invested over \$300,000 in the property. They are asking that there be no requirement for securities and that they be allowed 5 years to meet the requirements of the site plan.

Following discussion the Committee resolved to table the matter in order to allow staff to prepare a report regarding the request for exemption from site plan securities and the extension to 5 years in order to meet the requirements of the site plan.

6. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held January 20, 1999 were amended to include the following 2 items which were inadvertently omitted:

B.(iv) Public Works and Traffic Department, Community Renewal Section, 1999-2008 Provisional Capital Budget

The Planning and Development Committee resolved as follows:

- (a) That the capital projects from the Public Works and Traffic Department, Community Renewal, included within the Parks Division and Streets and Sanitation Division, be considered for inclusion in the ten year 1999-2008 Provisional Capital Budget; and,
- (b) That these Capital projects be reviewed by the Management Team(Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council City Council.

D. City Initiative 98-B – Restaurant Parking in and “H” District

The Committee directed staff to give notice of a Public Meeting for consideration of City Initiative 98-B, respecting an amendment to the provisions of Section 18A. (36) and the location of Vehicular access points for restaurant parking in an “H” District.

The following recommendations were forwarded to Council for approval:

B. COMMUNITY PLANNING AND DEVELOPMENT

Demolition – 184 Lottridge Street, dated January 20, 1999:

That the Building Commissioner be authorized to issue a demolition permit for 184 Lottridge Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. DIRECTOR OF PLANNING AND DEVELOPMENT**"Eaglewood Estates – Phase 2", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication), dated January 11, 1999:**

That the City of Hamilton now accept the sum of \$10,000 as a cash payment in lieu of the 5% land dedication in connection with "Eaglewood Estates – Phase 2", Hamilton being the cash payment required under Section 51.1 of the Planning Act.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**Information Items**

The Committee approved the previously received information items as follows:

- (a) Secretary, LACAC re: Minutes of the meeting held 1998 December 14, dated January 18, 1999.
- (b) General Manager, Community Planning and Development Division re: Approved Site Plans for Approval, dated January 21, 1999
- (c) Ontario Restaurant Association re: User Fees for Foodservice Establishments, dated November 20, 1998
- (d) Ministry of Municipal Affairs and Housing re: Rent Reductions and Tax Decreases Under the Tenant Protection Act, dated 1998 December 11.

E. OTHER BUSINESS**(a) Parking Requirements for Medical Facilities**

In response to a question from Alderman Copps, Len King advised that he will review with her the parking requirement for medical facilities.

(b) Director of Housing – Extra Federal Funding for Renovations, RRAP

Mark Mascarenhas presented an information report dated February 3, 1999 to the Committee.

Mr. Mascarenhas requested that the Committee make him aware of any project which may qualify for funding because the deadline for completion of projects under this program is March 31, 1999.

The Committee directed Mr. Mascarenhas to notify various groups in Hamilton of the available funding.

In response to a question from Alderman Kiss, Mark Mascarenhas advised that information on Homelessness is in the process of being compiled by the Food and Shelter Committee.

Alderman Eisenberger expressed concern about the federal withdrawal of subsidy on the Greenhill Housing Co-operative and the resulting increase in Homelessness and that in future the federal

government should consult with local elected representatives and the community when making such a decision.

The Committee concurred that the timeframes were unreasonable.

The Committee directed that the Chairman send a letter to the to the Federal Government requesting that the deadline for the completion of projects and submission for funding be extended beyond March 31, 1999 in order to allow the Municipality to prioritize projects and programs for funding; and further, that the letter include the Committee's concern regarding the Greenhill Co-operative situation.

(c) **Elevator Repair**

Alderman Kiss stated concern over a building run by Victoria Park Homes in which there are 3 elevators but only one is functional. She suggested that the Property Standards By-Law be amended to require that elevators be functional and properly maintained.

Mr. King advised that at present the By-law requires that they either be operational or not operational.

Alderman Charters cautioned that any amendment to the By-laws should not carry with it additional liability to the City.

The Committee requested that a report be prepared regarding a possible amendment to the City By-laws in order to require that elevators be operational.

In the interim, Mark Mascarenhas is to contact the people at Victoria Park Homes to alert them of the elevator concerns.

F. **ADJOURNMENT**

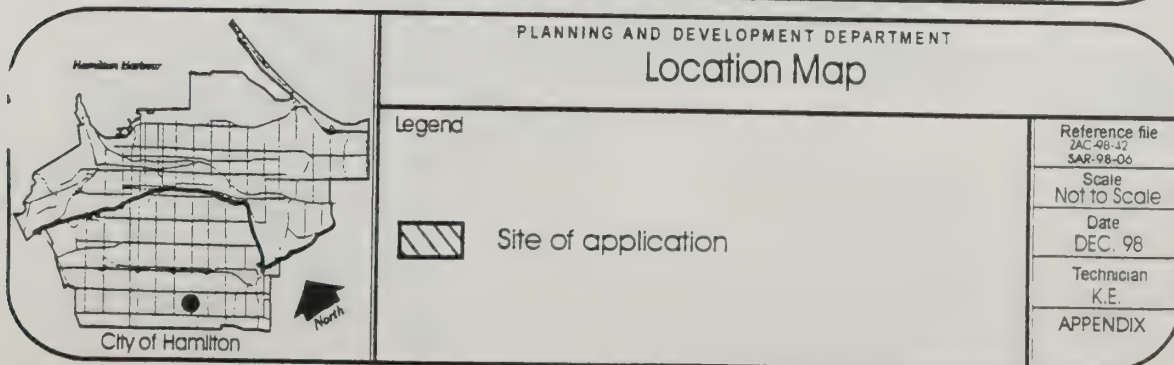
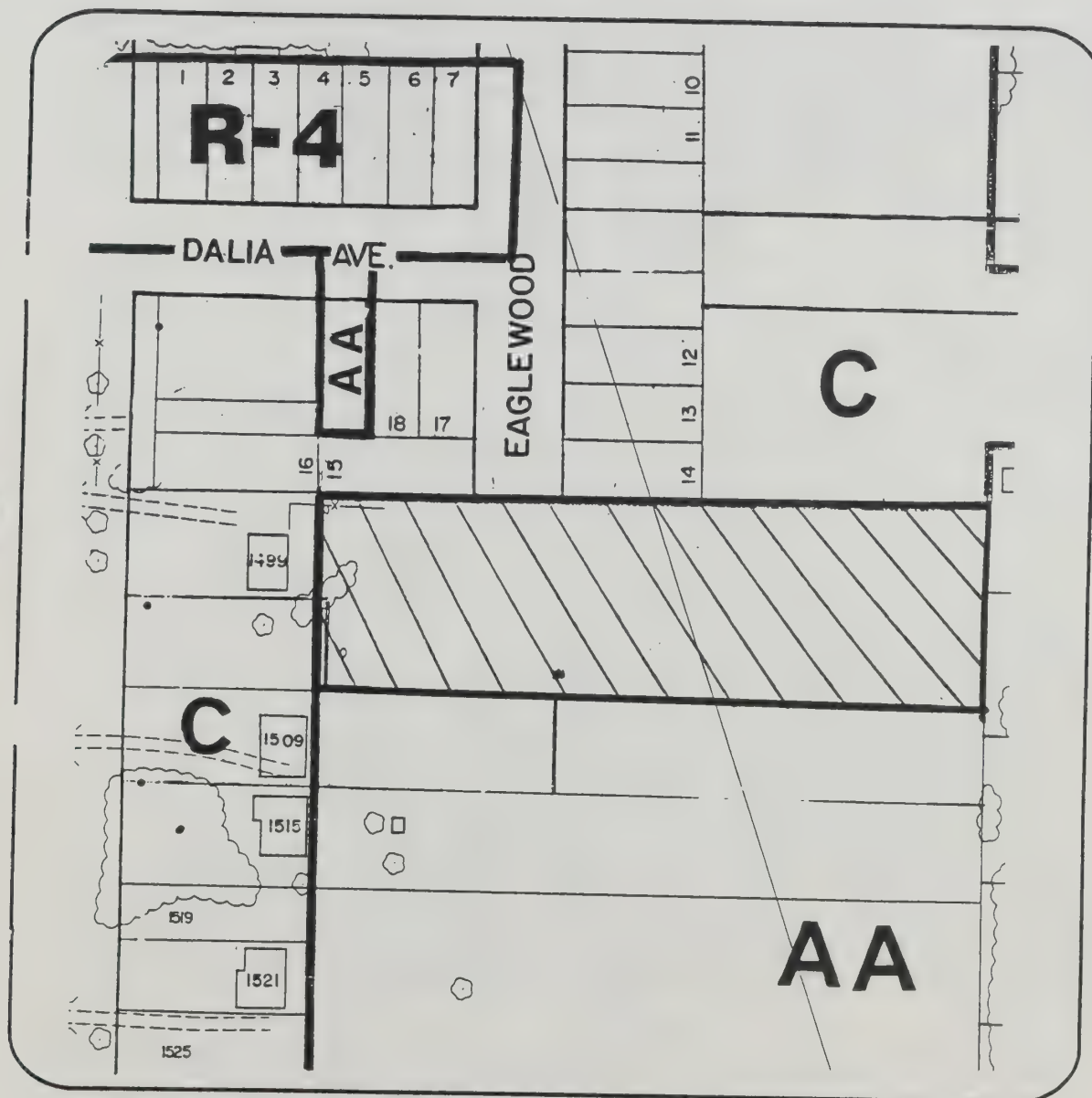
There being no further business, the Committee meeting then adjourned.

Alderman F. D'Amico, Chairperson
Secretary Planning and Development Committee

Tina Agnello, Secretary

/jt

Appendix "A" as referred to in Section 1A(a)
and 1B of the Planning and Development
Committee minutes for the meeting held
February 3, 1999



Appendix "C" as referred to in Section 2
of the Planning and Development
Committee minutes for the meeting held
February 3, 1999



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of Application

Reference file:

ZAC-97-41

Scale

Not to Scale

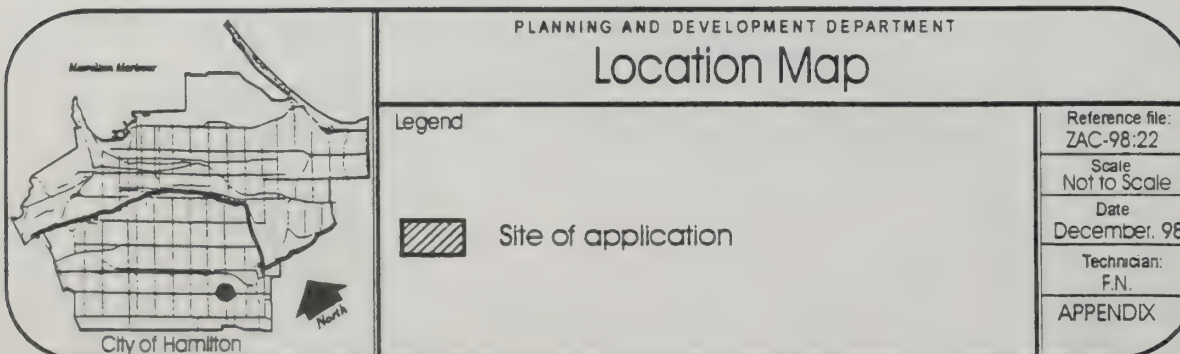
Date

January, 1999

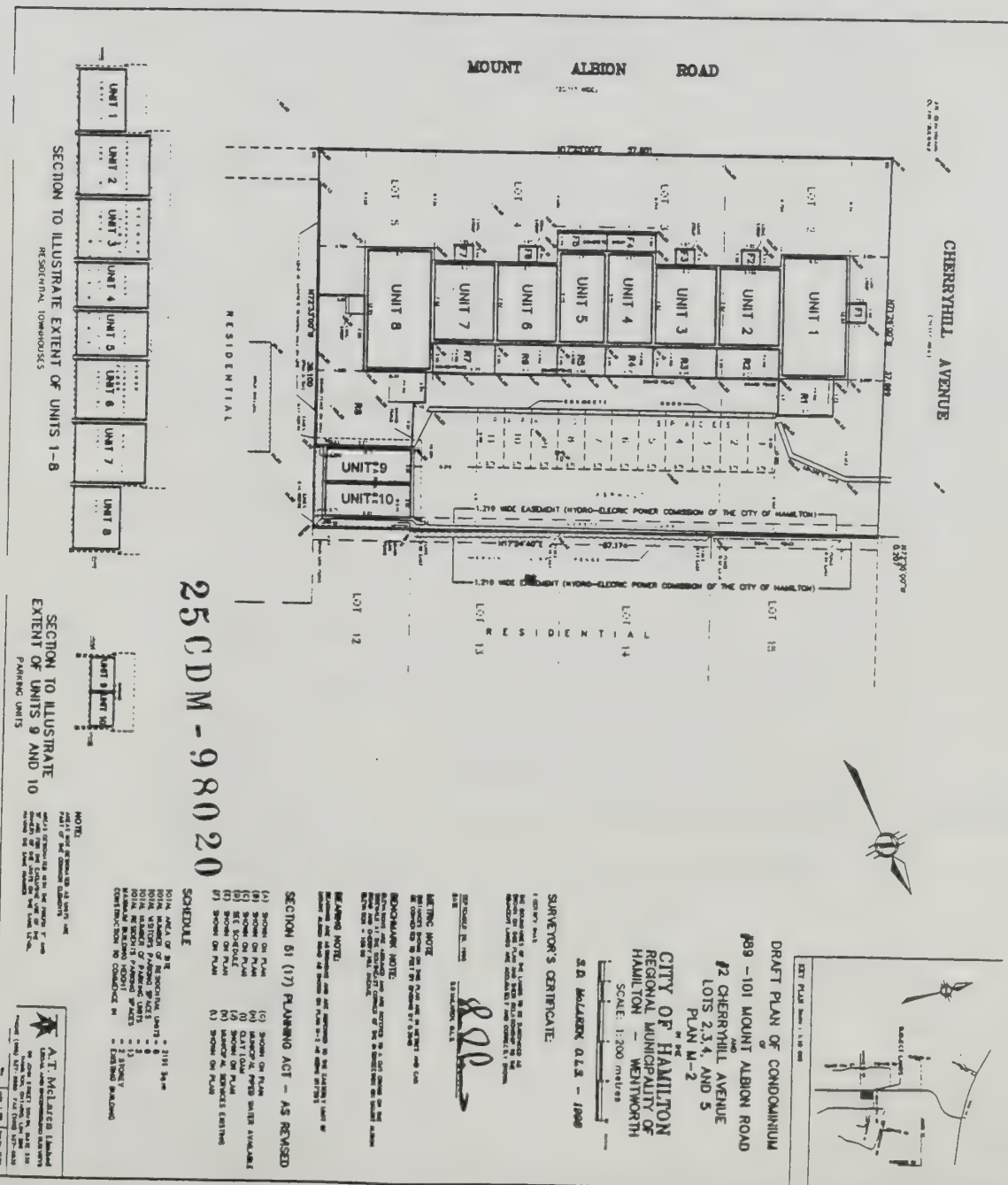
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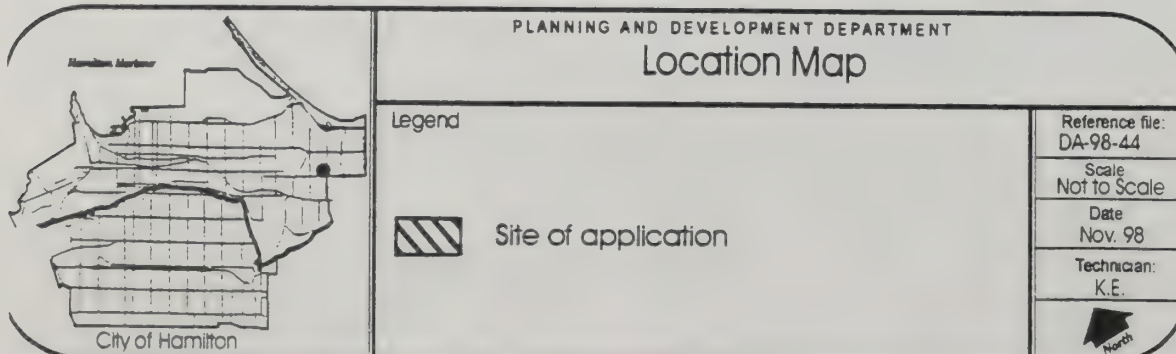
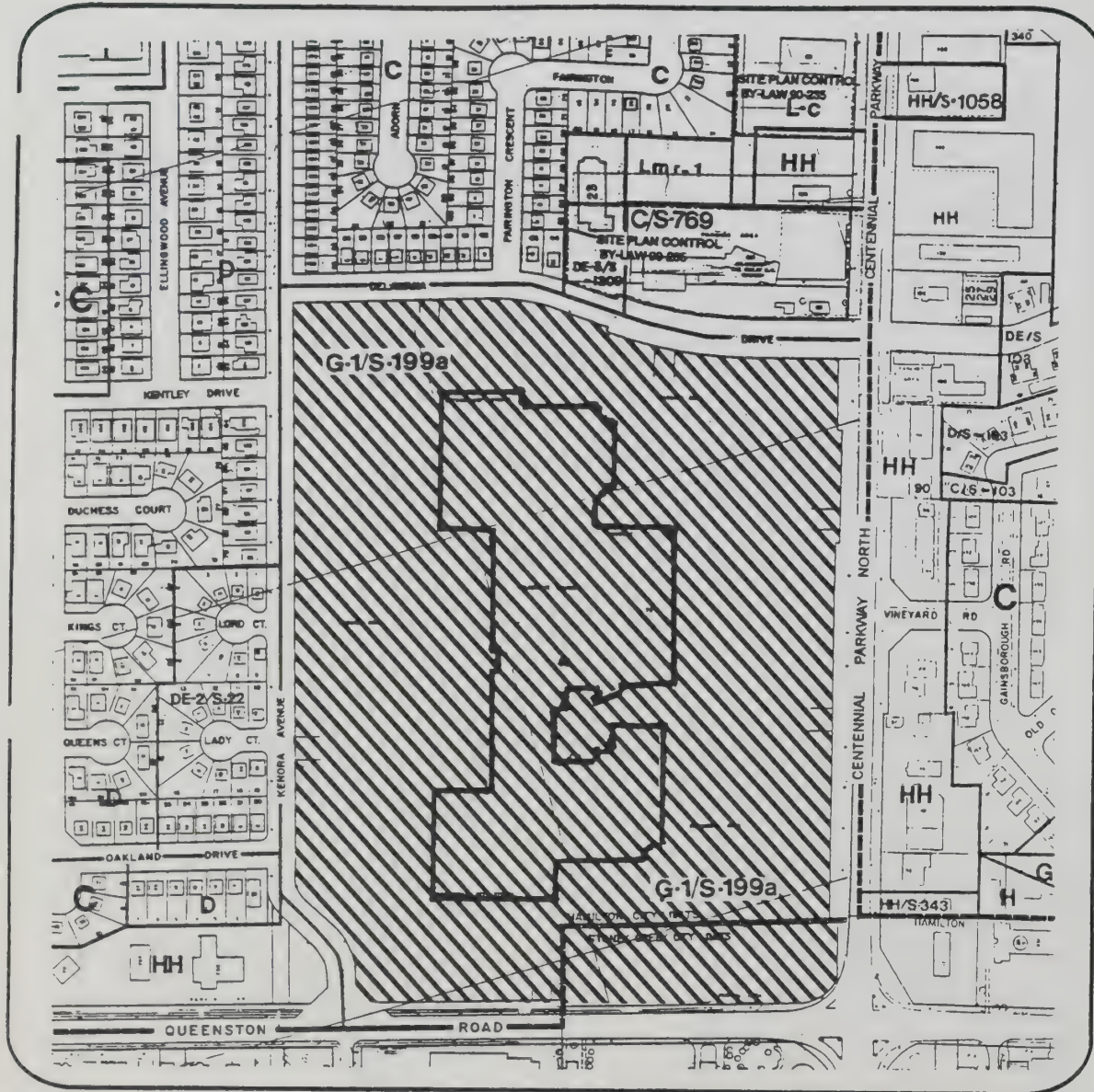
Appendix "D" as referred to in Section 3
of the Planning and Development
Committee minutes for the meeting held
February 3, 1999



Appendix "E" as referred to in Section 4(a)
of the Planning and Development
Committee minutes for the meeting held
February 3, 1999



Appendix "F" as referred to in Section 4(b)(a)
of the Planning and Development
Committee minutes for the meeting held
February 3, 1999



B:1)

CITY OF HAMILTON

- RECOMMENDATION -

FEB 05 1999

DATE: 1999 February 01

REPORT TO: T. Agnello, Legislative Assistant
Planning and Development Department

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Barton Village Business Improvement Area (B.I.A.) –
Revised Board of Management.

RECOMMENDATION:

- a) That Schedule 'B' of By-law No. 87-308, as amended, appointing the Barton Village B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

D. Boukhers
J. Hendry
S. Manners
J. Hilger
J. Howard
P. Nusca
M. Tollis
N. LaSala
R. Palmese
K. Cody
J. Sellers

Farah's Foodmart
Hendry's Family Shoes
Siemens Westinghouse Inc.
Ways to Wisdom
Econ-o-wash Laundry
Nusca Custom Tailors Ltd.
Riviera Banquet Centre
Nick's Auto Service
Palmese Photodesign Group Inc.
Orthopaedic Services
Sottomayor Bank Canada

- b) That the City/Regional Solicitor, Corporate Services, be directed to amend Schedule 'B' of By-law No. 87-308 pursuant to (a) above.

Adulc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its Board of Management meeting held 1999 January 27, the Barton Village B.I.A. elected J. Sellers, Sottomayor Bank Canada, as a Director of the Board. This appointment brings the total number of Board members to 11, not including the Ward Aldermen, and is in compliance with the B.I.A.'s constitution.

DL:HM:hm *UJ*

c.c. J. Howard, Chairman, Barton Village B.I.A.
A. Zuidema, Law Department

B ii)

CITY OF HAMILTON

- RECOMMENDATION -

FEB 05 1999

DATE: 1999 January 25

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Concession Street Business Improvement Area (B.I.A.) –
Revised Board of Management

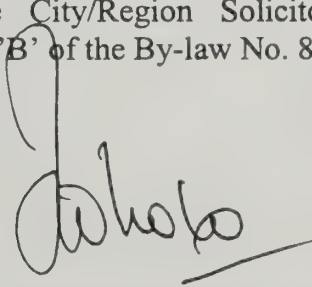
RECOMMENDATION:

- a) That Schedule 'B' of By-law No 86-144, as amended, appointing the Concession Street B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

Rino Bistoyong	616 Concession St., Canfin Financial Group Inc.(Owner)
Debby Johnson	576 Concession St., Why Pay More (Tenant)
Paul Wharton	552 Concession St., Wharton Copy Print (Owner)
Roger Burrough	588 Concession St., Camtech Photo Services (Owner)
John Woolcott	536 Concession St., Woolcott Shoes (Owner)
Betty Toplack	560 Concession St., Mountain Book Store (Tenant)

- b) That the City/Region Solicitor, Corporate Services, be directed to amend Schedule 'B' of the By-law No. 86-144 pursuant to (1) above.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Concession Street B.I.A. recently requested that the by-law appointing its Board of Management be amended to reflect the resignation of one Board member and the appointment of a new Board member.

DL:JP:jp

cc: Betty Toplack, Co-Chairman,
Concession Street B.I.A.

John Woolcott, Co-Chairman,
Concession Street B.I.A.

L. Farr, Law Department

CITY OF HAMILTON

Biii)

- RECOMMENDATION -

FEB 05 1999

DATE: 1999 January 29

REPORT TO: T. Agnello, Legislative Assistant
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payments for 1999.

RECOMMENDATION:

- a) That the 1999 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix 'A') be approved in the amount of ninety-eight thousand, two hundred and forty dollars (\$98,240);
- b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,
- c) That the following schedule of payments for 1999 be approved:

February 01	\$24,560
March 01	\$24,560
June 01	\$24,560
September 01	\$24,560

Note: 1998 assessment appeals may be deducted from the 1999 levy payments.

[Handwritten signature]

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$98,240 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1999 January 28, the Downtown Hamilton B.I.A. adopted a 1999 operating budget of \$98,240.

The process followed to adopt the Downtown Hamilton B.I.A. 1999 budget was in accordance with the recent changes to the Municipal Act, Section 220. The most significant change to Section 220 is that property owners of commercial/industrial properties within a B.I.A. are now members of the B.I.A. regardless of whether or not they operate a business within the property. The above is due to the elimination of the former business occupancy tax and the fact that all municipal tax bills will take the form of property taxes and the B.I.A. levy is now deemed to be a tax on property and collected from property owners.

DL:HM:hm

cc: Carlo Gorni, Executive Director
Downtown Hamilton B.I.A.

Alan Ross, General Manager
Finance Department
Attn: Larry Friday, Supervisor of Tax Administration/Banking

APPENDIX 'A'

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S 1999 OPERATING BUDGET

Promotions and Special Events (summer programs, sponsorships, Christmas, advertising, other events)	\$27,240
Administration and Other Expenses (rent, meetings, utilities, office expenses and supplies, telephone, meetings, salary of Executive Director, etc.)	\$71,000
TOTAL	\$98,240

C i)

CITY OF HAMILTON

RECOMMENDATION

DATE: February 3, 1999

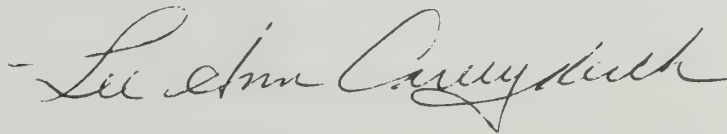
REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Community Planning and Development Division
1999 – 2008 Provisional Capital Budget Program
(99.2.4.2.1.A, 99.5.10.A)

RECOMMENDATION:

- (a) That the attached capital projects from the projects from the Community Planning and Development be considered for inclusion in the ten year 1999-2008 Provisional Capital Budget Program; and,
- (b) That these capital projects be reviewed by the Senior Management Team for consideration by the Budget Steering Committee.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Senior Management Team.

A. BUILDING DEPARTMENT

The individual projects are listed as follows with a brief description including the cost capital project as well as the corresponding impact on the current budget.

1. Digital Imaging and Zoning Maps

This is a \$300,000 capital project to replace the existing neighborhood zoning maps which are currently produced and maintained in paper form.

The project will convert all maps to a digital form, which can be viewed at any networked computer. These maps are revised by building and planning staff on a continuous basis. Having the ability to provide this information to other networked computers will also enable the Community Planning and Development Division to provide one stop servicing at locations other than City Hall. This project will save \$50,000 per year and improve service to our customers. This project was included in last years' capital budget.

Approval of this project will enable Community Planning and Development Division to reduce staff by one (1) FTE and save \$50,000 per year.

Total 1999 - \$ 300,000
Total Savings \$50,000
per year
Elimination of 1 FTE

2. Integrating Management and Tracking System Process Up-Grading

This project is an extension of the existing computer based integrated Management and Tracking system (AMANDA) which currently deals with building permits, action requests, licensing and Committee of Adjustment. This extension will cover the work processes done by Planning, Fire Prevention and Health Inspectors. This project was not included in last years' capital budget.

Implementation of this project will enable us to maintain and improve existing services with three (3) less FTE's and enable us to reduce our budget by \$150,000 per year.

Total 1999 - \$300,000
Total 2000 - \$300,000
Total 2001 - \$300,000
Total Savings \$150,000/year
Elimination of 3 FTE's

B. PLANNING AND DEVELOPMENT DEPARTMENT

The following is a list of Capital Budget submissions for consideration in the 1999-2008 Capital Budget for the Community Planning and Development Division, Planning and Development Department. The sequence of projects coincides with the rank number assigned in the Capital Budget Program submissions, as determined by the Planning and Development Department.

1. Urban Entertainment Centre

In 1998, Council approved an entertainment strategy for downtown Hamilton that included an amendment to the Community Improvement Plan and a request for

proposals for an entertainment centre in downtown Hamilton. A preferred proposal was selected (Canderel Stoneridge Equity Group). Development of this project will require funding from the City for land acquisition and a parking strategy. It is estimated that this project will require \$5.5 million as an initial investment from the City. Estimates of new tax revenue from this project will be \$800,000 to \$1,000,000 annually with a payback period of the City's investment being approximately six years. This project implements Council's entertainment strategy for downtown Hamilton; it is a key component of downtown revitalization; and will contribute to the tax base of the municipality.

Total 1999 - \$5,500,000

2. Tax Incentive Program for Designated Buildings

One barrier for the redevelopment of downtown buildings is the increased taxes associated with building improvements. In order to encourage the rehabilitation of historically designated buildings in the downtown, it is proposed that a grant program be initiated to refund the amount of additional new taxes for building improvements.

This could encourage the rehabilitation of such key downtown buildings as the Lister Block, Victoria Hall and the Tivoli Theatre. This program can be perceived as a win-win strategy as only funds equal to the increased taxes are given out. If no rehabilitation occurs, no funds are dispersed.

It is proposed that the tax incentive grants be provided for a temporary period. Total funds requested are \$400,000 to be distributed starting in 1999 to 2006. Details of the program will be prepared in 1999 and brought forward to the Planning and Development Committee for approval. This was part of project 139.0 of the 1998-2007 Capital Budget program, scheduled to start in 1999.

Total 1999 - \$50,000

Total 2000 - \$50,000

Total 2001 - \$50,000

Total 2002 - \$50,000

Total 2003 - \$50,000

Total 2004 - \$50,000

Total 2005 - \$50,000

Total 2006 - \$50,000

3. Neighbourhood Plan Review Program

With the current neighbourhood planning staff available, the Department is only able to undertake a maximum of one neighbourhood plan review per year. This proposal allows for the acceleration of this program with the doubling of neighbourhood plan reviews over the next ten years. In 1999, it is proposed that neighbourhood plan reviews be undertaken in the Parkview East and West Neighbourhood and complete the plan for Central Neighbourhood.

The total cost of the program is \$455,000, \$65,000 over a seven year period. This program (project 211) was scheduled to start in 2002 in last year's approved Capital Budget Program.

Total 2000 - \$65,000
Total 2001 - \$65,000
Total 2002 - \$65,000
Total 2003 - \$65,000
Total 2004 - \$65,000
Total 2005 - \$65,000
Total 2006 - \$65,000

4. St. Mark's Centre

The rehabilitation and reuse of St. Mark's church is seen as another key initiative for the redevelopment of the downtown. It is proposed that a partnership with an interested community group can be undertaken to provide some of the capital and operational funds needed for this project. This project has been ranked as Department priority #4 and was not included in last year's Capital Budget.

Total 1999 - \$63,000
Total 2000 - \$35,000

5. Zoning By-Law Review

The current Zoning By-law for the City is almost 50 years old and has had over 1,500 amendments, making it difficult to interpret and apply. A complete review of the text and maps is needed to reflect changing community needs, new and changing uses and make it easier for the public and development industry to utilize. It is intended to start review in the year 2000 following the adoption of the new Official Plan presently in process. This project was not included in last year's Capital Budget.

Total 2000 - \$200,000
Total 2001 - \$200,000
Total 2002 - \$200,000

6. Lister Block

The Lister Block could become once again a major destination point in Downtown Hamilton. This important heritage building is the last remnant of the original "heart" of the Downtown. The revitalization of this building has been identified as a key element in most of the downtown strategies (eg. Strong Medicine, The Architect's Charette, Longo's workshop).

A Feasibility Study would determine the economics and opportunities for recycling the Lister Block and determine appropriate roles for the City/Region.

This project was not included in last year's Capital Budget.

Total 1999 - \$25,000

7. Property Acquisition Program - Stapleton Enclave

With the City purchase of 571 and 555 Kenilworth Avenue North, it is possible that the other remaining residential properties in the Stapleton Enclave will also require city purchase. The intent would be to eliminate incompatible residential uses on lands which would be sold for industrial use.

The program would allow for the purchase of 4 residential properties requiring a total budget of \$380,000, of which approximately \$100,000 is expected to be recovered through the sale of the lands for industrial purposes. It is proposed that the program be undertaken in 2000.

This program was ranked outside the ten year plan in the 1998 Capital Budget Program (project 213.0)

Total 2000 - \$280,000

8. Property Acquisition Program - Alpha East Enclave

The Planning and Development Committee, at its meeting of June 24, 1992, adopted the recommendations of the Planning and Development Department:

- a) to retain the INDUSTRIAL zoning and designation in the Official Plan; and,
- b) abandon the acquisition program with the exception of the remaining eleven properties in the Alpha East Enclave. The properties in Alpha East would be acquired on a willing buyer/willing seller basis.

The aim of the program is to remove incompatible residential properties and then sell the lands for industrial purposes. The residential properties to the west and north (Alpha West) were purchased in the 1980's and sold to industry. In this regard, the Alpha East enclave was most affected by the former acquisition program.

In the 1994, 1995, 1996, 1997, and 1998 Capital Budget process, funding for this program was allocated outside the ten year Capital Budget. The Department is requesting the same amount of funding (\$1,300,000 gross) to be placed in the Capital Budget for the 2001 and 2002 Capital Budget years.

Total 2001 - \$500,000

Total 2002 - \$645,000

9. Future Official Plan Review

Similar to the current Official plan review which is presently ongoing, the future review will encompass changes that have occurred in planning over the previous five years.

**CITY OF HAMILTON
- RECOMMENDATION -**

Cii)

DATE: 1999 February 2
DA-96-32
Kennedy East Neighborhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Request for a one (1) year extension for the approval of Site Plan Control Application DA-96-32 for a car sales office (35 Rymal Road West) and accessory parking for the existing commercial building (25 Rymal Road West)

RECOMMENDATION:

That approval be given to the request by Future Homes and St. Michael Place Inc., owner of the lands at 25 & 35 Rymal Road West, as shown on the attached map marked as Appendix "A", for an extension to the approval of Site Plan Control Application DA-96-32 to March 7, 2000, and that at the end of the extension period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

EXPLANATORY NOTE:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The owner has requested an extension of this time limitation.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under Site Plan Control By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease.

Therefore, City Council approval is required to extend the date of approval.

BACKGROUND:

The plans of Site Plan Control Application DA-96-32 were approved on March 7, 1997 for a car sales office and accessory parking for the existing commercial building, subject to various conditions. However, the Site Plan documentation contemplated under DA-96-32 has not been registered (i.e. posting of security requirements, road widening dedication and Site Plan Control Agreement).

The agent for the applicant has advised that the project did not proceed because the applicant (owner) was not in a position to post the requisite security. In proceeding with the application, it was noted that the expiry time as designated by By-law No. 87-150 will lapse on March 7, 1999 and an approval for an extension is required.

The applicant has requested a one (1) year extension of the approved plans (i.e. March 7, 2000) in order to finalize the approval (i.e. post requisite securities) and proceed with registration.

This request is consistent with the established practice to extend the approval period for one (1) year beyond the initial expiry date of approval.

COMMENTS:

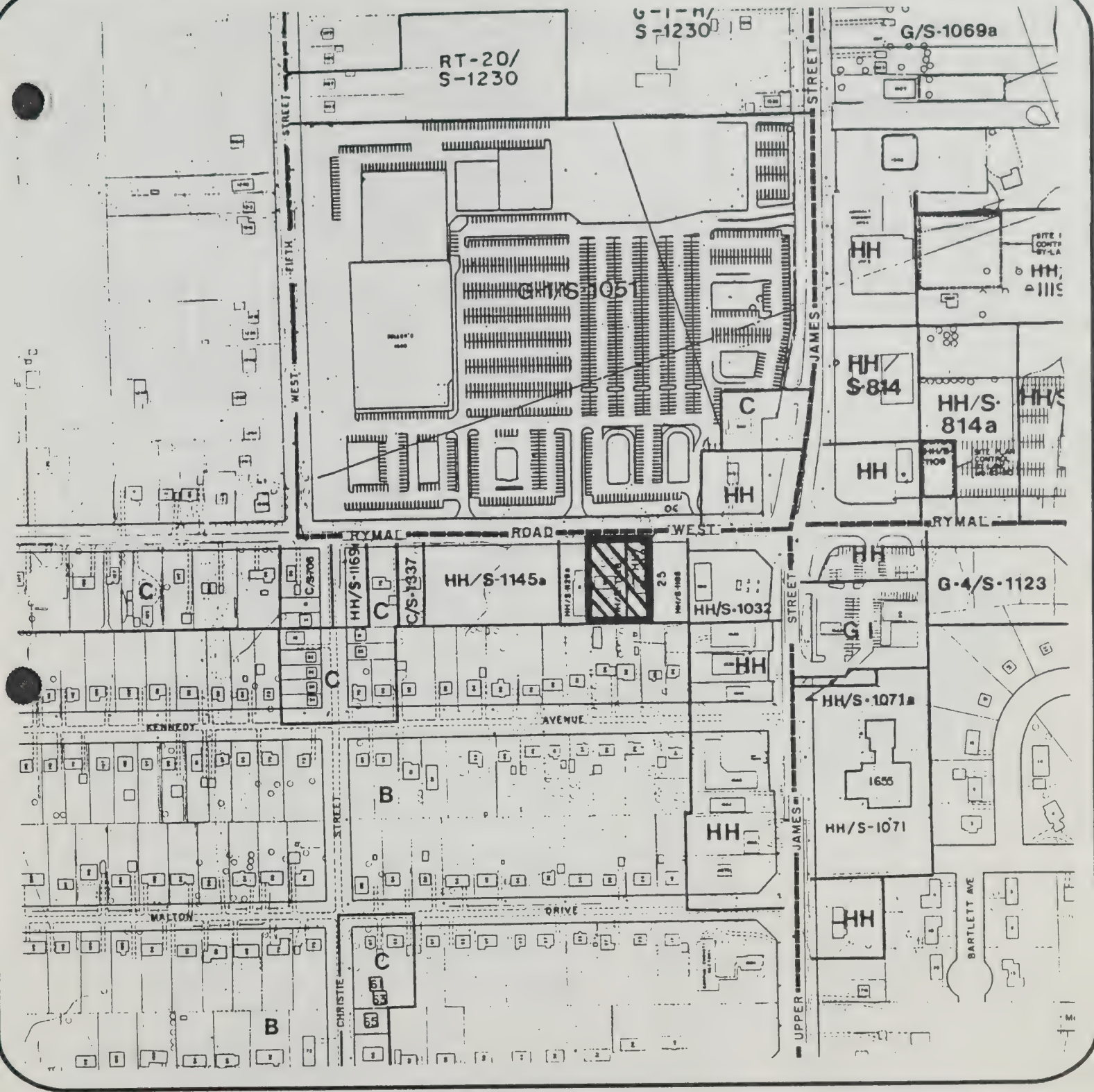
There are no changes proposed to the approved plans and drawings. The plans have been finalized to incorporate the various departments' requirements and will be included in the registered Site Plan Agreement. A copy of the approved Site Plan is attached as Appendix "B".

At the end of the one (1) year extension period (i.e. March 7, 2000), if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.

Furthermore, the Law Department has advised that they have no concerns respecting the extension.

CONCLUSION:

Since no changes are proposed to the approved application, it is recommended that a one (1) year extension be granted.



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of Application

Reference file:

DA-96-32

Scale

Not to Scale

Date

January, 1999

Technician:

FAB

APPENDIX A

CITY OF HAMILTON
- RECOMMENDATION -

(iii)

DATE: 1999 February 5

REPORT TO: Ms. Stella Glover, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: 1999 Planning Conferences

RECOMMENDATION:

- a) That the Chairman or his designate attend the 1999 American Planning Association National Conference in Seattle, April 24-28;
- b) That the Chairman or his designate attend the 1999 Canadian Institute of Planners Conference in Montreal, June 6-9;
- c) That cost for attendance be allocated to the Alderman Travel Account No. CH55201-10010, from the 1999 Operating Budget.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs for attendance at Conferences comes from the Alderman's Travel Account No. CH55201-10010, from the 1999 Operating Budget.

BACKGROUND:

The following is a brief description of these national conferences (more information is available from the Director of Planning and Development):

- The 1999 APA National Planning Conference is being held April 24-28, 1999, in Seattle. The conference will be providing workshops and sessions that discuss successful studies, special programs and solving common problems related to various planning issues. With over 4,000 planners in attendance, this is an excellent forum for the exchange of planning information.

- The 1999 CIP National Conference is being held June 6-9, 1999, in Montreal. The theme of this Conference is "The City and the Region", and will deal with such issues as rapid urban growth, globalization of markets, new private/public partnerships and reforms in municipal government structures. This Conference addresses planning issues affecting municipalities throughout Canada.

CONCLUSION:

Both the APA and CIP Conferences are useful forums for new information on planning issues, practices and solutions, and as such, are worthy of attendance by the Chairman or his designate.

BJ/mm

CITY OF HAMILTON
- RECOMMENDATION -

Di)

DATE: 1999 February 4

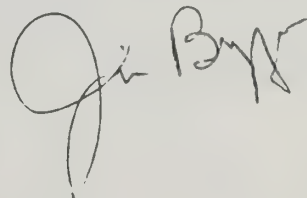
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: James P. Bruzzese
General Manager, Corporate Services

SUBJECT: Declaration of Surplus Property/Inclusion in the
Land Titles & Rezoning Application of 1125814 Ontario Ltd.
- 837 West 5th Street

RECOMMENDATION:

- (a) (i) That the property at 837 West 5th Street be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
- (ii) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049.
- (b) That 1125814 Ontario Ltd. (Paul Silvestri, President) be authorized to include the City owned lands known as 837 West 5th Street, more specifically designated as Part 2 on Plan 62R-10580 in their application for the rezoning of their own lands and registration of the same lands into the Land Titles System.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

By-law 95-049 requires all City owned lands not exempted by Ontario Regulation 815/94 to be declared surplus prior to any sale.

The subject property is a vacant parcel of land on the east limit of West 5th Street, south of the Lincoln Alexander Expressway, having a frontage of 80 feet by a depth of 282.9 feet.

On June 28, 1988, City Council adopted Item 2 of the 15th Report of the Planning and Development Committee approving the implementation of the Proposed Plan for the Kernighan Neighbourhood. This proposed plan called for the property at 837 West 5th Street to be acquired as it was the only vacant site off West 5th for providing the needed road access to the interior of the Kernighan Neighbourhood.

Subsequently, on June 25, 1991 City Council adopted Item 4 of the 9th Report of the Transport and Environment Committee approving the purchase of the subject land for roadway purposes.

Recently the City has been approached by the abutting residential developer, 1125814 Ontario Ltd., who requires the subject lands for inclusion in their Parkway Manor Plan of Subdivision for the purpose of establishing a public road allowance for West 5th Street as set out in the Kernighan Neighbourhood Plan.

Consequently, these lands were circulated to all City and Regional Departments with no interest being shown by either and the indication that they be developed in conjunction with the Parkway Manor Subdivision.

By allowing the subject lands to be included in the Rezoning and Land Titles Application of 1125814 Ontario Ltd. at this time, it will allow their residential development to proceed more expeditiously once the City's land have been acquired.

KN/nw

c.c. Alderman F. D'Amico, Alderman, Ward 8
Alderman D. O'Sullivan, Alderman, Ward 8
D. A. Lychak, City Manager
R. C. Roszell, Corporate Counsel, Legal Services Section
Attention: H. Vastis
E. Chajka, Manager of Development, Regional Environment Department
K. M. Lau, Manager of Surveys, Roads Division
V. Abraham, Director of Planning and Development Department
Attention: S. Robichaud

Dii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 February 4

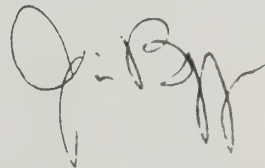
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: James P. Bruzzese
General Manager, Corporate Services

SUBJECT: Extension of Construction Dates - 1650 Upper Ottawa Street

RECOMMENDATION:

- (a) That the Offer to Purchase the lands of The Corporation of the City of Hamilton known as 1650 Upper Ottawa Street, duly executed by AFFG Properties & Investments Inc. on March 16, 1998 and approved by City Council on April 28, 1998, Item 12 of the 8th Report of the Planning and Development Committee, be amended as follows:
- (i) that clause 6.3, 1., the commencement of construction date be extended from June 27, 1999 to December 31, 1999; and,
 - (ii) that clause 6.3, 2., the completion of construction dated be extended from June 27, 2000 to December 31, 2000; and,
- (b) That all other conditions of the Agreement shall remain the same and time is of the essence; and,
- (c) That the Legal Services Section be authorized and directed to take the appropriate action in dealing with this matter.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

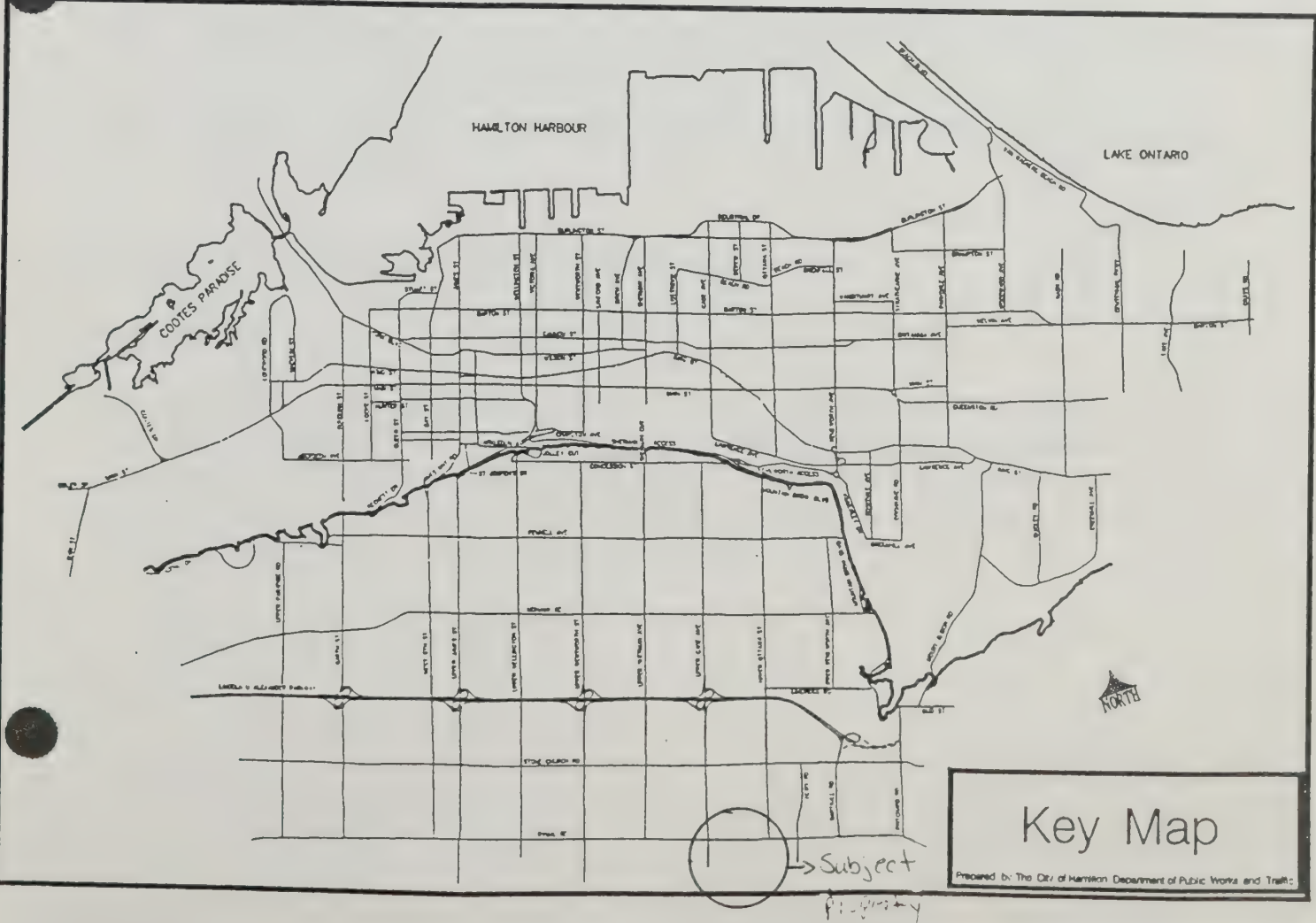
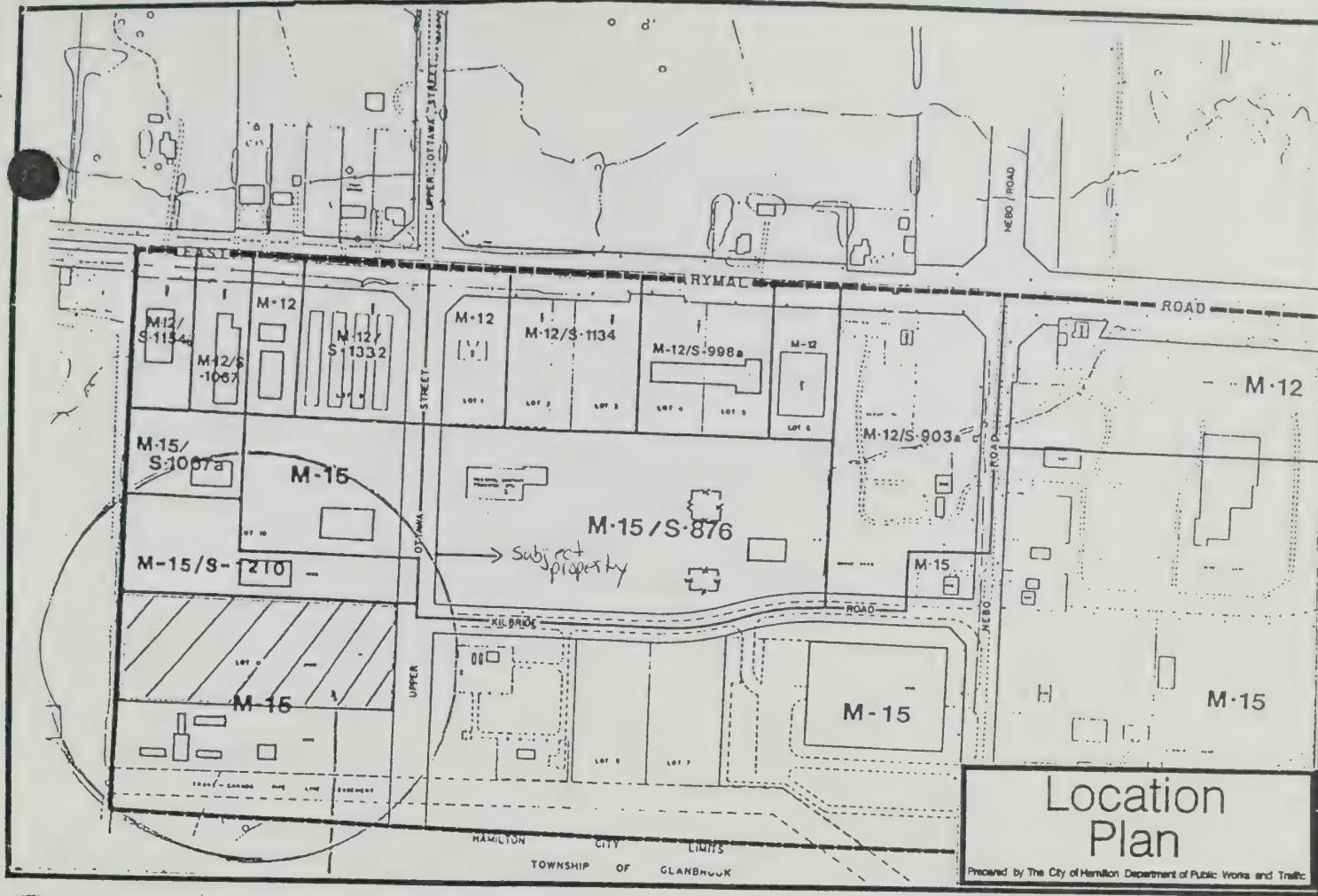
In adopting Item 12 of the 8th Report of the Planning and Development Committee, City Council on April 28, 1999 approved the sale of 1650 Upper Ottawa Street to AFFG Properties & Investments Inc. This transaction was completed on June 5, 1998.

However, due to present market conditions in their business and their financial situation at this time, they have requested an extension of six (6) months on the commencement and completion dates for construction. They feel that a delay of six (6) months will assist them greatly in developing a successful project.

This department supports the request of AFFG Properties & Investments Inc. that an extension of six (6) months be granted in order to complete the construction covenants of this transaction.

DC/nw

✓ c.c. R. C. Roszell, Corporate Counsel, Legal Services Section
Attention: H. Vastis



E.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 10, 1999

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) General Manager, Community Planning and Development Division re: Approved Site Plan Applications dated February 4, 1999.
- (b) Secretary, LACAC re: Minutes of the meeting held January 18, 1999, dated February 8, 1999.

T. Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

CA4 ON HBL A05
C51P4
1999



Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN
MUNICIPAL

NOTICE OF SPECIAL
MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, February 23, 1999
3:00 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL

FEB 26 1999

T. Agnello

GOVERNMENT DOCUMENT

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. GENERAL MANAGER, PLANNING AND DEVELOPMENT DIVISION
1999 - 2008 Provisional Capital Budget Program (previously tabled)
2. ADJOURNMENT

CAY ON HBL A05
C51P4
1999



Urban Municipal Collection
2nd Floor
Hamilton Public Library

**URBAN
MUNICIPAL**

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, March 3, 1999
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

MAR 5 1999

GOVERNMENT DOCUMENTS

T. Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-30, by Paletta International Corporation, owner, for a change in zoning from "AA" District and "C" District to "G-1" District for lands located at 1605 Upper Sherman Avenue.
2. **GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION**

Condominium Conversion CDM-CONV-98-015, 1211 – 1215 Fennell Avenue East and 136 – 146 Princeton Drive
3. **CONSENT AGENDA**
4. **OTHER BUSINESS**
5. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

N O	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
6.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
7.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
8.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
9.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
10.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
11.	Walkway Closure -Forestgate Drive	1998 November 4	Referred to Staff	Report Forthcoming
12.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
13.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
14.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
15.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
16.	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming

Feb 25 1999

CITY OF HAMILTON

1.

- RECOMMENDATION -

DATE: 1999 February 18
ZAC-98-30
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

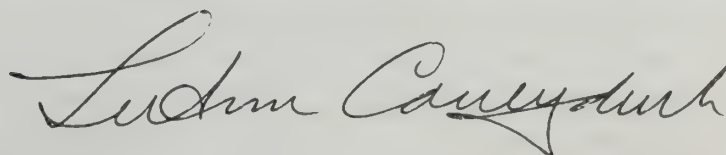
FROM: Lee Ann Coveyduck, General Manager
Community Planning & Development Division

SUBJECT: Request for a change in zoning and amendment to the Official Plan
- 1605 Upper Sherman Avenue

RECOMMENDATION:

That the Official Plan Amendment Application, for a redesignation from "Residential" to "Commercial", and Zoning Application ZAC-98-30, Paletta International Corporation, owner, for a change in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "G-1" (Designed Shopping Centre) District, for lands located at 1605 Upper Sherman Avenue, as shown on the attached map as APPENDIX "A", be denied for the following reasons:

- It conflicts with the intent of the approved Eleanor Neighbourhood Plan, and would jeopardize the approved development pattern, negatively impact on access to the Neighbourhood and the internal roadway pattern, and compromise the orderly development of the Neighbourhood at this location;
- There is no demonstrated need for additional commercial development in this area without impacting on the approved Neighbourhood Plan;
- There is an adequate supply of existing zoned and/or designated commercial lands in this area to meet the needs of existing and future residents;
- It represents an undesirable extension of commercial development into a residential area; and,
- The application is premature in the absence of a Neighbourhood Plan review.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment and Official Plan amendment.

BACKGROUND:

Proposal

The applicant is proposing to amend the Official Plan to redesignate the subject lands from "Residential" to "Commercial" and to rezone the lands from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "G-1" (Designed Shopping Centre) District. No specific proposal has been submitted. The applicant advises that it is intended to develop the subject lands in conjunction with the adjoining lands to the south (which are also owned by the applicant), for commercial uses in accordance with the "G-1" (Designed Shopping Centre) District provisions.

ZA-88-106

In October 1988, the applicant made a similar application ("AA" and "C" Districts to "G-1" District) for the subject lands. A Public Meeting was scheduled for February 15, 1989 to consider the application. On February 10, 1989, the Ward Alderman submitted ten (10) letters of objections from adjacent land owners. The Public Meeting was cancelled at the request of the applicant. Given the inaction on the file, it was closed in August, 1990.

APPLICANT:

Paletta International Corp., owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 42.16 m (138.3 feet) on Upper Sherman Avenue;
- A depth of 186.84 m (613 feet); and,
- A lot area of approximately 0.78 ha (1.9 acres).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject lands</u>	Vacant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
<u>Surrounding Lands</u>		
To the north	Single family residential and vacant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

To the east	Single family residential	"C"(Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the south	Vacant	"G-1" (Designed Shopping Centre) District
To the west	Vacant	"E-2" (Multiple Dwellings) District and "AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including but not limited to:
 - (iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Centres, in accordance with the Commercial Policies as set out in Subsection A.2.2 of this Plan."

The proposal conflicts with the intent of the Official Plan. Approval of the application will require an amendment to the Official Plan to redesignate the subject lands from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN:

The subject lands are designated "Residential – Single and Double" in the approved Eleanor Neighbourhood Plan (see attached APPENDIX "B"). The proposal does not comply with the approved Plan. The subject lands include an area where a future collector road is proposed. Development of the subject lands for commercial uses would preclude completion of this road and would jeopardize future development for single family residential development.

COMMENTS RECEIVED:

The Building Department and the Hamilton Region Conservation Authority have no comment or objection.

The Regional Environment Department advise:

- "1. The designated road allowance width of this section of Upper Sherman Avenue is 30.48 m. The Region of Hamilton-Wentworth has previously acquired the required road allowance widening and no further road allowance widenings are anticipated at this time.
2. According to the approved Eleanor Neighbourhood Plan the lands at No. 1605 Upper Sherman Avenue are designated for single family residential and internal neighbourhood streets. In particular there is an east-west street which intersects with Upper Sherman Avenue and extends easterly to intersect with the neighbourhood ring road street. Both of these streets are located on the subject lands and also form part of the integral vehicle and pedestrian access into and through this neighbourhood.

We recommend that the application as submitted either be denied or held in abeyance until such time as the Eleanor Neighbourhood Plan is reviewed and revised accordingly, by the appropriate Committee and Council.

It is our understanding that the Eleanor Neighbourhood Plan was prepared to ensure that the residents on Upper Sherman Avenue and Eleanor Avenue could develop their lands to optimize the residential development capability and that extensive consultation occurred with the residents to ensure that their concerns were addressed.

3. Should the Committee approve the application as submitted we recommend as a condition of approval that the subject lands be required to develop through a plan of subdivision or other appropriate agreement which would require the applicant/owner to dedicate all the required neighbourhood streets to the City of Hamilton. Through the agreement approvals the applicant/owner would be required to establish and construct these streets in accordance with the standard City of Hamilton and Region of Hamilton-Wentworth subdivision agreement cost sharing requirements."

The Department of Public Works and Traffic advise:

"The proposed zoning change for 1605 Upper Sherman Avenue is contrary to the approved Eleanor Neighbourhood Plan. The proposed zoning change would impact access to the Neighbourhood and the internal roadway pattern.

We respectfully request that this zoning application be tabled until such time as the Neighbourhood Plan has been successfully reviewed."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan which designates the lands "Residential". Approval of the application would require an amendment to the Official Plan to redesignate the lands to "Commercial".

2. The proposal conflicts with the approved Eleanor Neighbourhood Plan which designates the lands "Single and Double Residential" and which shows portions of two proposed local roads through the subject lands (see APPENDIX "B" attached). The applicant has indicated that the subject lands would be developed in conjunction with the commercially-zoned lands to the south. This would preclude the development of the proposed local streets, thereby jeopardizing access to and within the neighbourhood. Accordingly, this application is premature in the absence of a Neighbourhood Plan review.

The Eleanor Neighbourhood Plan has undergone the normal public process in its preparation and approval. If the applicant wants to amend the approved plan to the extent contemplated in this proposal, then it is the applicant's responsibility to review the plan and demonstrate how the impacts on the Neighbourhood Plan can be addressed.

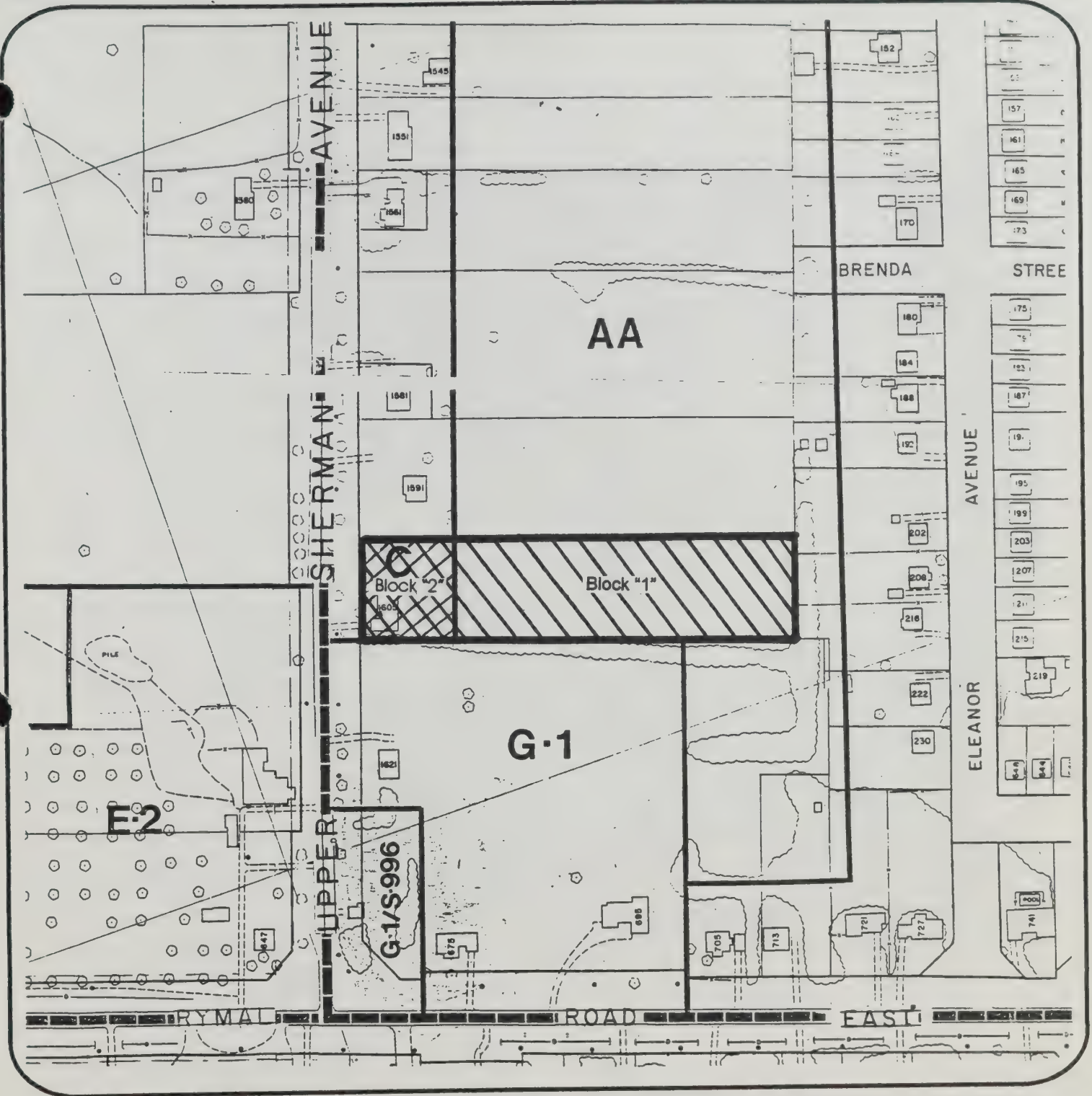
Further, both the Regional Environment Department and the Department of Public Works and Traffic are concerned that the proposal is contrary to the approved Neighbourhood Plan and would impact negatively on access to the neighbourhood and the internal roadway pattern.

3. A preliminary analysis of existing commercial sites (designated Commercial in approved Neighbourhood Plans) within one (1) km of the subject lands (see APPENDIX "C" and "D"), show that there is approximately 15.7 ha (38.8 acres) of land zoned and/or designated in the Official Plan. Approximately 4.5 ha (11 acres) is currently vacant, including the applicant's lands to the south. Based on this preliminary analysis, there appears to be an adequate supply of commercially zoned and designated sites in this area to serve existing and future residents, without the need to provide additional commercial development.
4. Based on the foregoing, the application for an Official Plan amendment and a change in zoning cannot be supported for the following reasons:
 - It conflicts with the intent of the approved Eleanor Neighbourhood Plan, and would jeopardize the approved development pattern, negatively impact on access to the Neighbourhood and the internal roadway pattern, and compromise the orderly development of the Neighbourhood at this location;
 - There is no demonstrated need for additional commercial development in this area without impacting on the approved Neighbourhood Plan;
 - There is an adequate supply of existing zoned and/or designated commercial lands in this area to meet the needs of existing and future residents;
 - It represents an undesirable extension of commercial development into a residential area; and,

- The application is premature in the absence of a Neighbourhood Plan review.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

BLOCK 1



"AA" (Agricultural) District to "G-1" (Designed Shopping Center) District.

BLOCK 2



"C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Center) District.



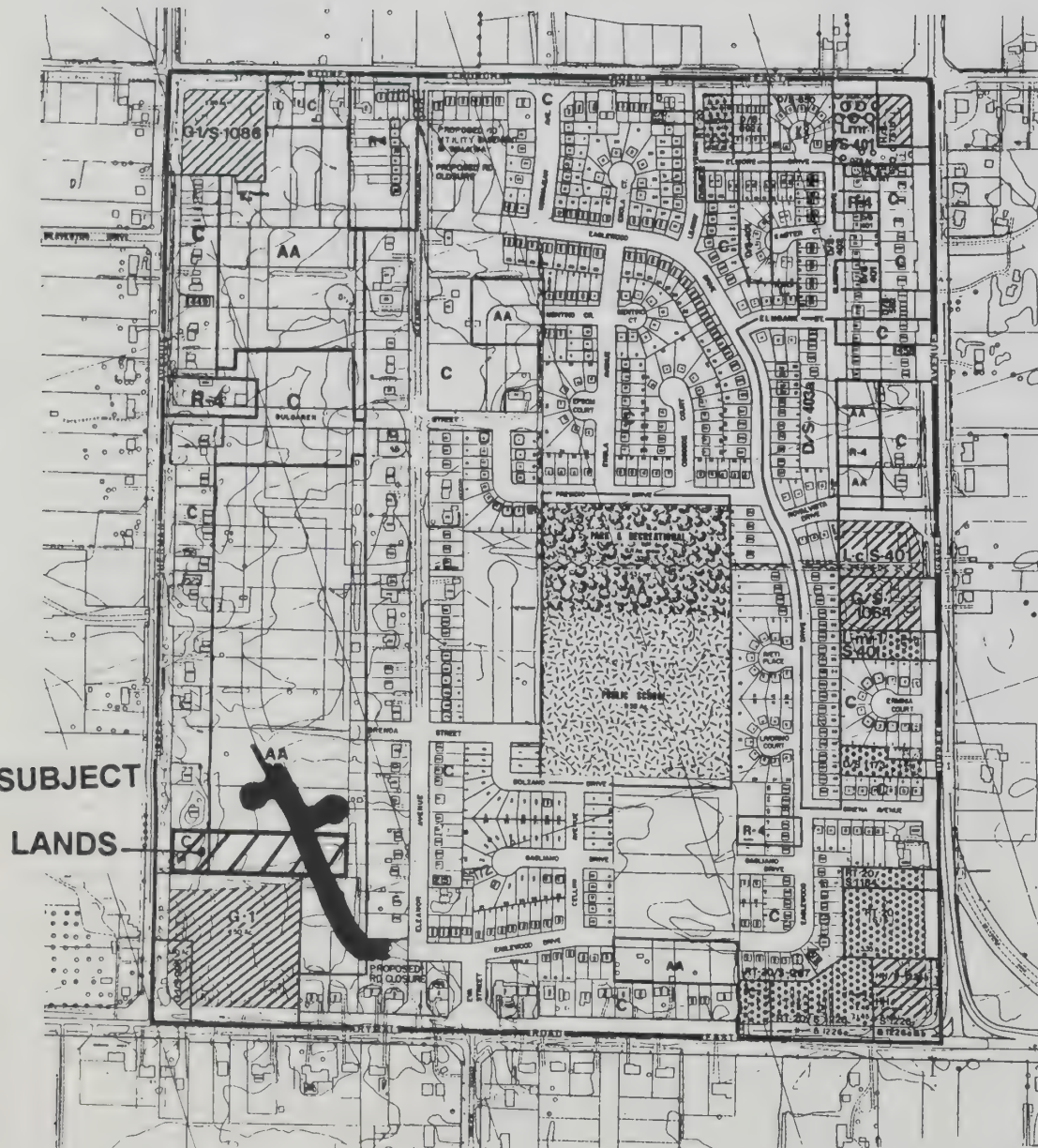
Reference file:
ZAC-98-30

Scale
Not to Scale

Date
December, 1998

Technician:
F.N.

APPENDIX
A



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approved
Planning Committee JULY 8, 1973 Council NOV. 27, 1973
Latest Revision Date MARCH 4, 1982

CITY OF HAMILTON
PLANNING DEPARTMENT

ELEANOR
APPROVED PLAN

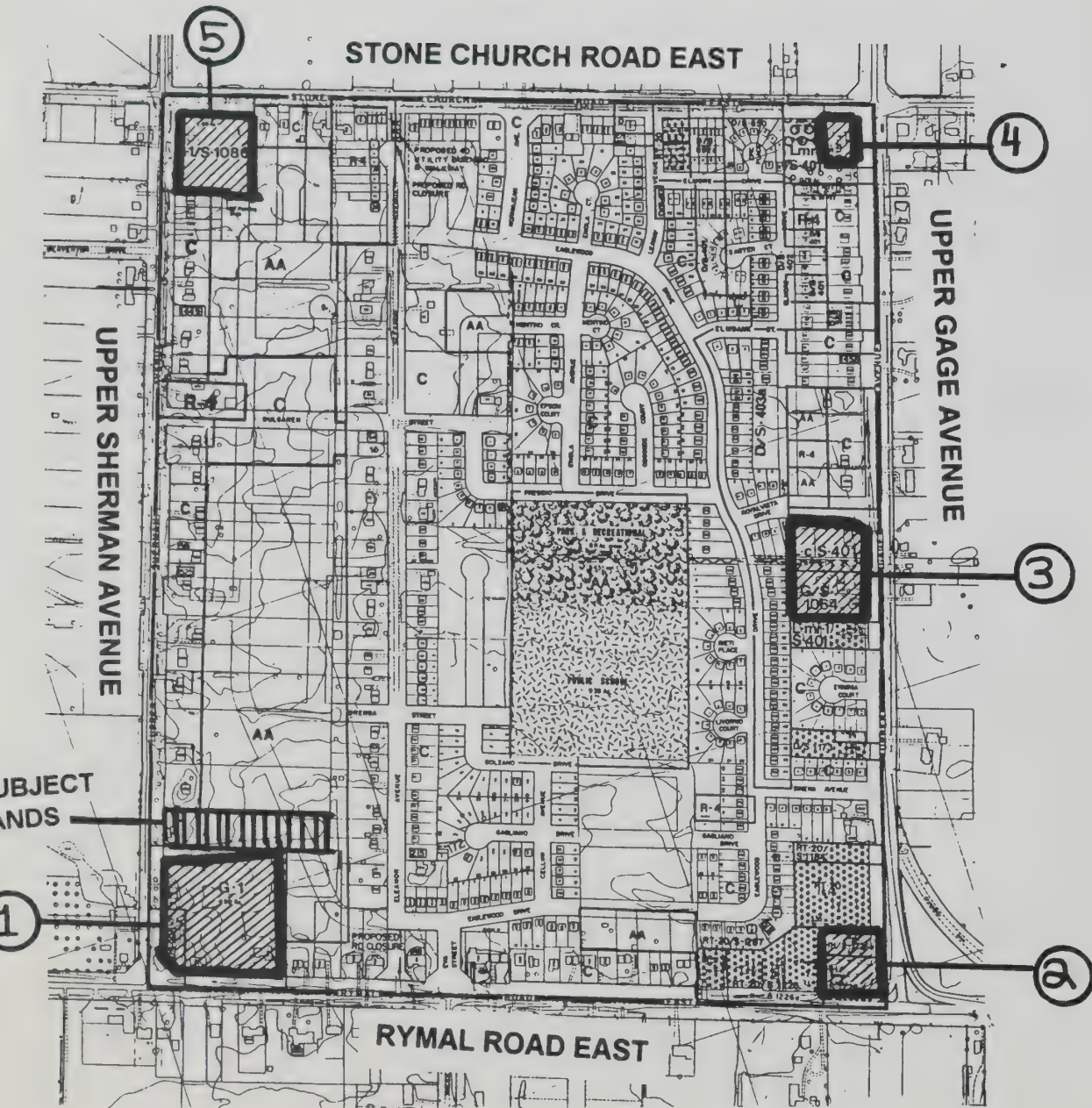


EXISTING POPULATION (1994) 1,956

APPENDIX "C"

ZAC-98-30 – AVAILABILITY OF COMMERCIAL LANDS

Location	Area	Zoning	Existing Land Use		Official Plan Designation
1	1.8 ha (4.5 ac)	"G-1"	Vacant		Commercial
2	0.6 ha (1.5 ac)	"HH" mod	Vacant		Commercial
3	1.0 ha (2.4 ac)	"G" mod "L-c" mod	Residential		Commercial
4	0.2 ha (0.5 ac)	"H" mod	Variety store		Commercial
5	0.8 ha (2.0 ac)	"G-1" mod	Service station		Commercial
6	5.5 ha (13.7 ac)	"G-1"	"Barn" and commercial plaza		Commercial
7	0.4 ha (0.9 ac)	"AA"	Vacant		Residential
8	0.8 ha (2.1 ac)	"AA"	Vehicle sales		Commercial
9	3.9 ha (9.6 ac)	"G" mod and "HH" mod	Partially developed commercial uses		Commercial
10	0.7 ha (1.8 ac)	"G-1" mod	Vacant		Commercial
Total	15.7 ha (38.8 ac)				



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LAND USE

- RESIDENTIAL**
- single & double
 - attached housing
 - low density apartments
 - medium density apartments
 - high density apartments
 - commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighborhood Boundary
- Zoning Boundary

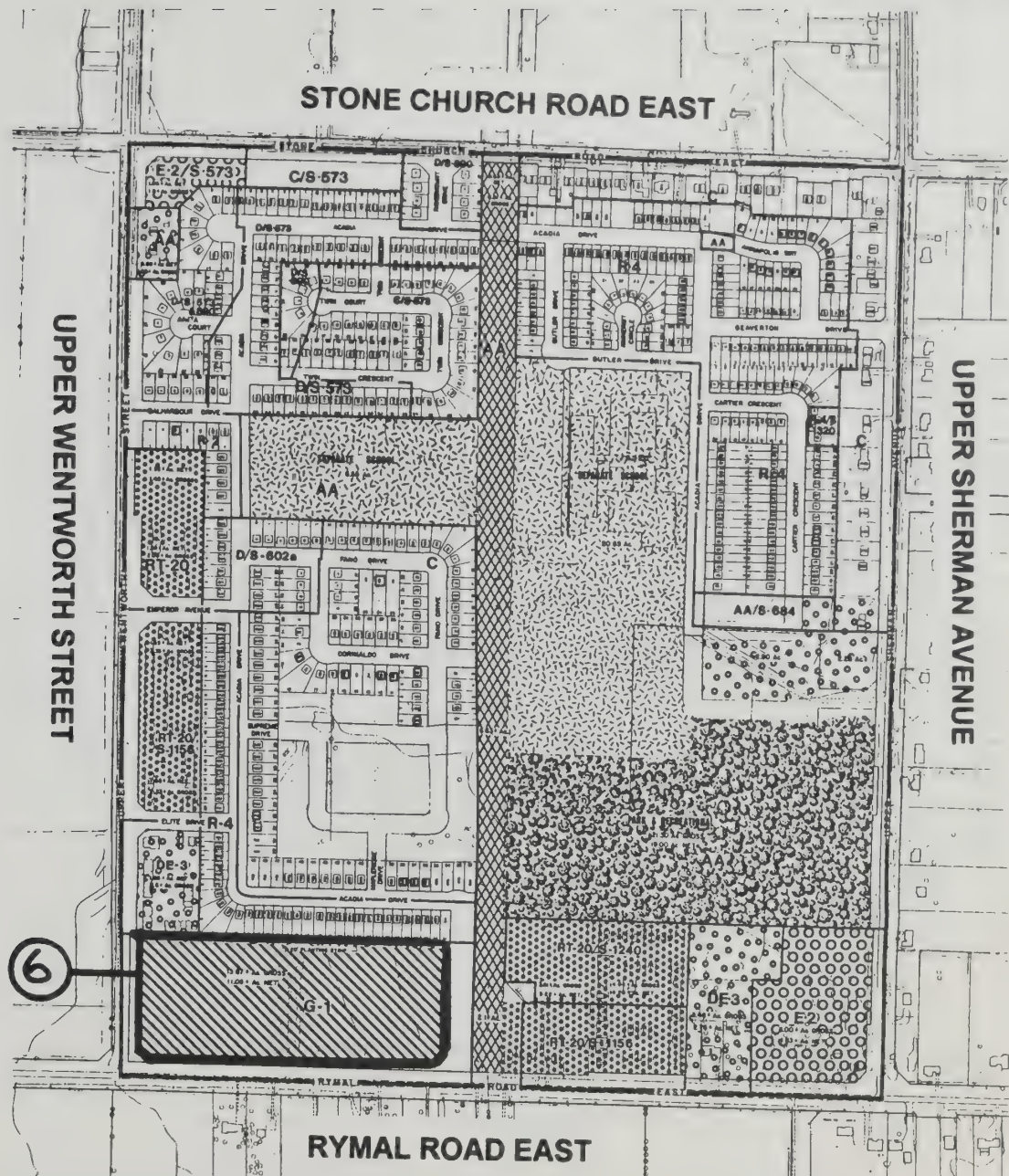
Approved
Planning Committee JULY 8, 1975 Council NOV. 27, 1975
Latest Revision Date MARCH 4, 1982

CITY OF HAMILTON
PLANNING DEPARTMENT

ELEANOR
APPROVED PLAN



EXISTING POPULATION (1994) 1,956



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LAND USE

- RESIDENTIAL**
- single & double
 - attached housing
 - low density apartments
 - medium density apartments
 - high density apartments
 - commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee.....April 28, 1976

Council.....June 29, 1976

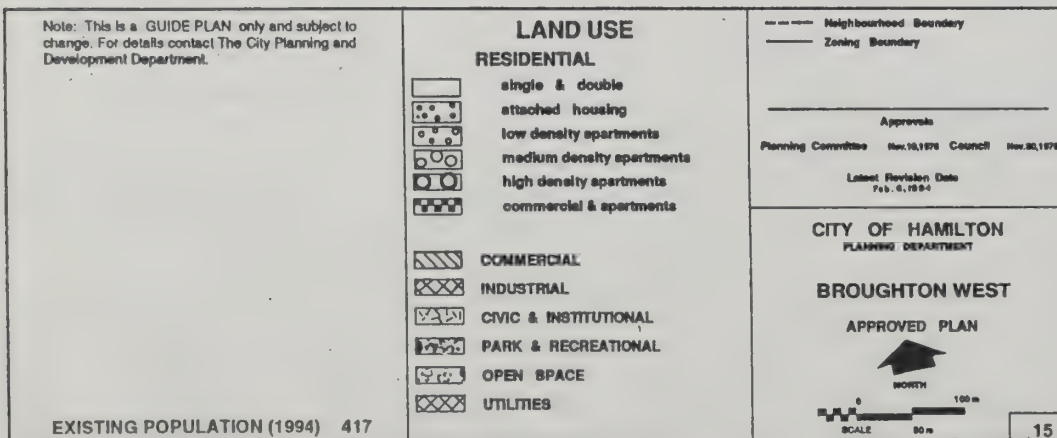
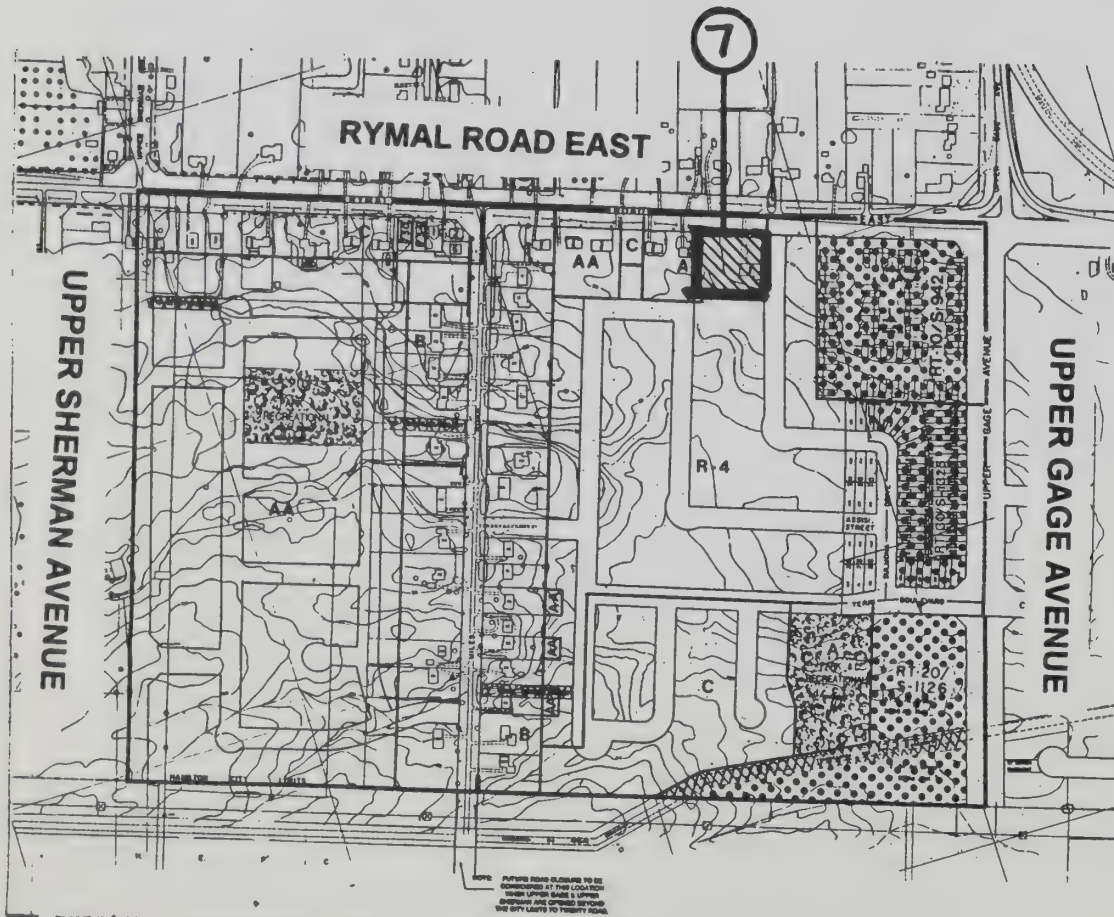
Latest Revision Date.....SEPT. 8, 1995

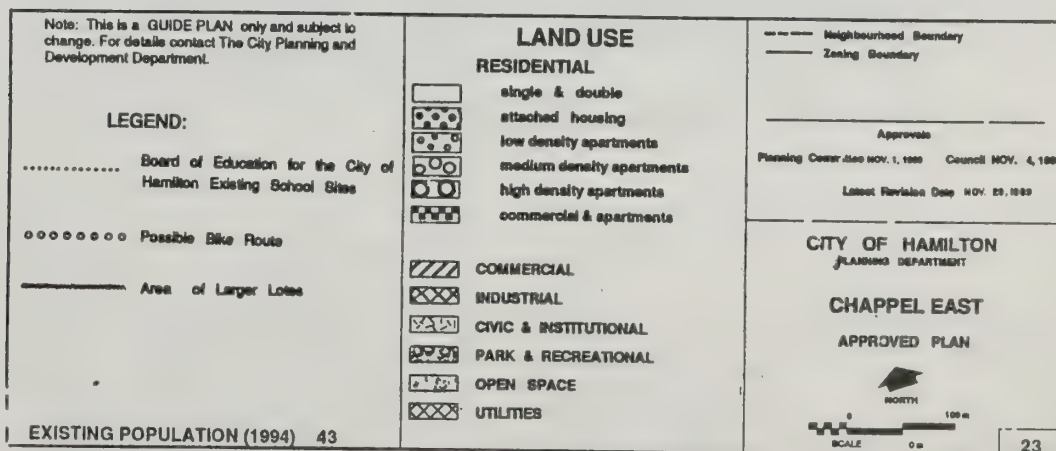
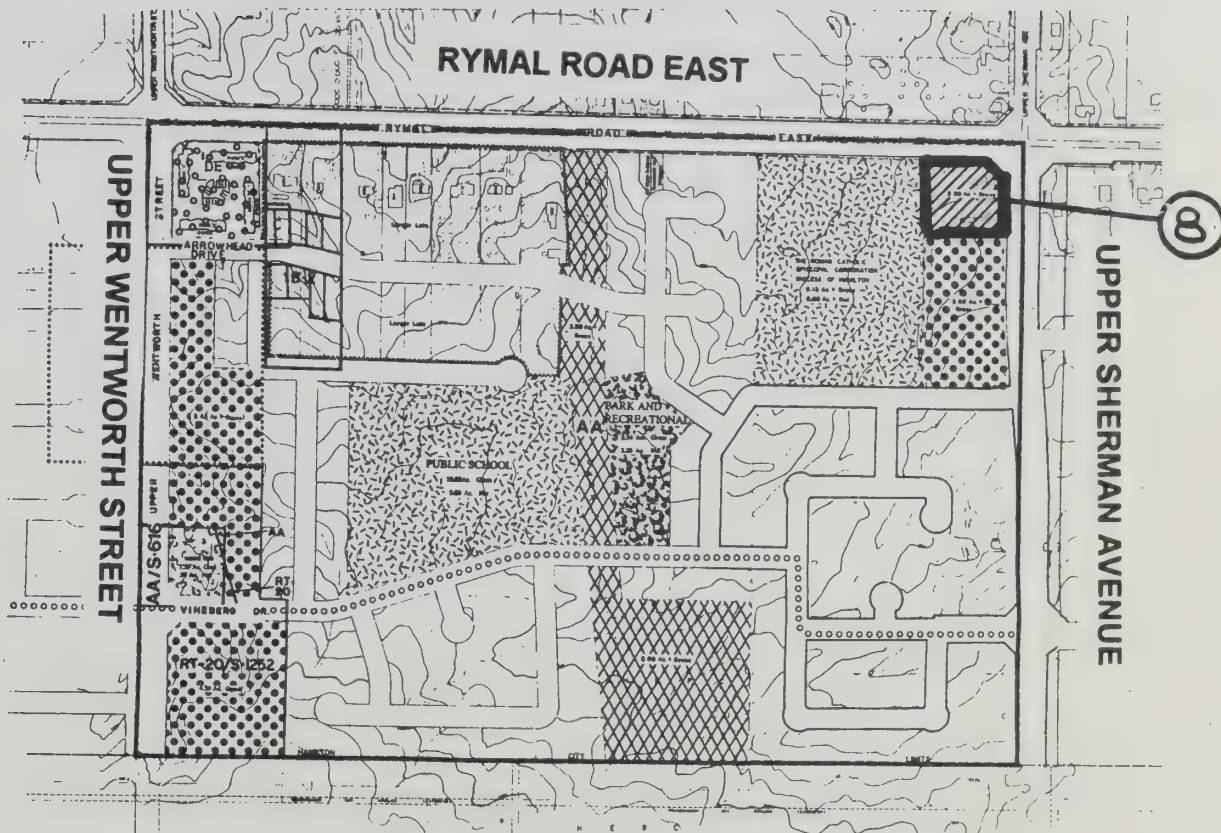
CITY OF HAMILTON
Planning Department

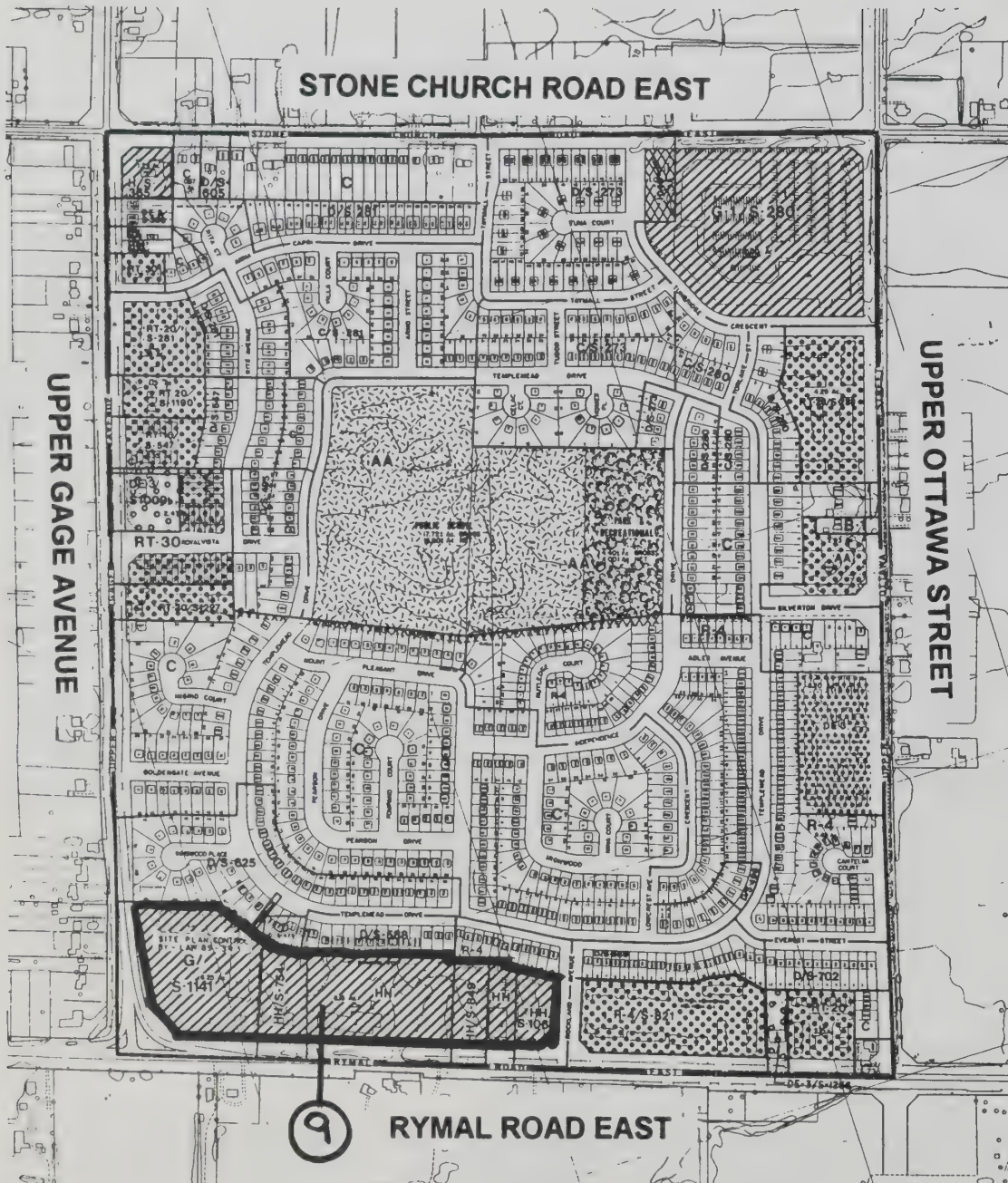
BUTLER
APPROVED PLAN



EXISTING POPULATION (1994) 2078







Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LAND USE

- RESIDENTIAL**
- single & double attached housing
 - low density apartments
 - medium density apartments
 - high density apartments
 - commercial & apartments

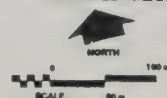
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

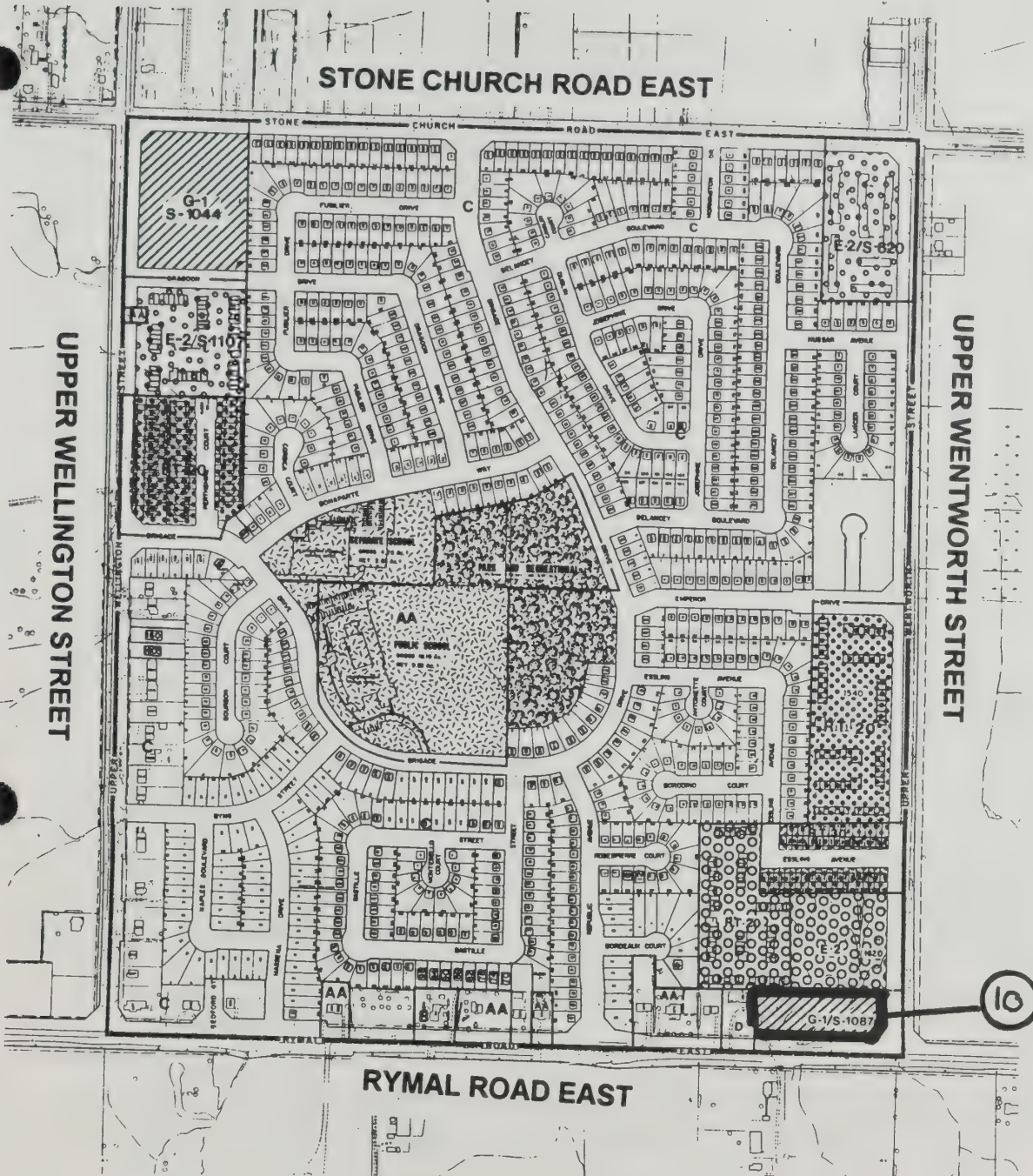
- Neighbourhood Boundary
- Zoning Boundary

Approved
Planning Committee JUNE 2, 1972 Council JUL 26, 1972
Latest Revision Date August 21, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

TEMPLEMEAD
APPROVED PLAN





Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approved

Planning Committee April 12, 1975 Council May 5, 1975

Latest Revision Date October 1, 1996

CITY OF HAMILTON
PLANNING DEPARTMENT

BARNSTOWN

APPROVED PLAN

NORTH

0 100 m
SCALE 80 m

EXISTING POPULATION (1994) 3,767

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 February 15
CDM-CONV-98-015
Sherwood Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

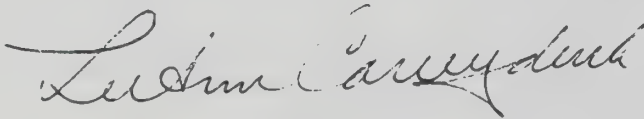
FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion,
1211-1215 Fennell Avenue East and 136-146 Princeton Drive

RECOMMENDATIONS:

- (a) That approval be granted to application CDM-CONV-98-015 (Regional File 25CDM-98023) submitted by Ronald Wowk, owner, for a draft plan of condominium for property located at Nos. 1211-1215 Fennell Avenue East and 136-146 Princeton Drive, as shown on the attached map marked as APPENDIX "A", to provide for a condominium comprised of 9 individual townhouse condominium units, subject to the following conditions:
- i) That this approval applies to the attached draft plan dated November 12, 1998 (APPENDIX "B") prepared by Consoli and Jacobs Surveying Ltd.
 - ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the Corporate Counsel;
 - iii) That prior to approval of the final plan,
 - 1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

- 2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593.
- (b) That the Municipal Clerk be directed to advise the Director of the Development Division of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This application is processed under the authority of the Planning Act and the Condominium Act.

BACKGROUND:

Applicant:

Ronald Wowk, owner,

Surveyor:

Bryan Jacobs, Consoli and Jacobs Surveying Ltd.

Location:

Known municipally as 1211, 1213 and 1215 Fennell Avenue East and 136, 138, 140, 142, 144, and 146 Princeton Drive, the subject property is 0.14 ha in size and contains a 9-unit townhouse structure constructed about 1964 (see APPENDIX "A").

Proposal:

The owner is proposing to convert the existing 9 unit rental townhouse structure to condominium status (see APPENDIX "B"). All the units are two-bedroom and the building is fully occupied. The average market rent for the two-bedroom units is \$725

The applicant proposes to undertake improvements to the units as part of the conversion process. The following works will be undertaken or have been undertaken to date:

"Exterior improvements:

1. New paint
2. New aluminum trim casing on the windows
3. New aluminum soffit and fascia
4. New landscaping

Interior improvements:

1. Fridge in 7 units will be replaced
2. Stoves in 7 units will be replaced
3. Countertops in 7 units will be replaced
4. Hardwood floors in 7 units have been refinished
5. Bathroom tubs and vanities in 7 units will be replaced
6. Walls, ceilings and lighting in 7 units have been repaired as needed
7. 7 units have been completely repainted
8. Carpeting has been replaced in 7 units"

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on November 25, 1998, the City's Official Plan Amendment (OPA) addressing the issue of condominium conversions and demolitions of rental housing was in effect. In this regard, the policies of the OPA apply.

Neighbourhood Plan:

There is no Neighbourhood Plan for the Sherwood neighborhood.

Zoning:

The subject lands are zoned "DE/S-1" (Low Density Multiple Dwellings).

Council Policy in Regard to Condominium Conversion Matters:

OPA No. 151 was approved by the Region on October 9, 1998.; the policies within the OPA formally represent Council's position on condominium conversion matters. The key facet of this Official Plan Amendment states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "Mountain" local housing market zone of the Official Plan. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Mountain" used by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental townhouse market statistics for the Official Plan are as follows:

Rental Townhouse Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
October, 1997	8.7%	3.3%
October, 1998	8.5%	3.6%

Impact on Townhouse Vacancy Rate - Criteria (ii):

	<u>City of Hamilton (2 bedroom)</u>	<u>Hamilton Mountain (2 bedroom)</u>
Pre-Conversion	8.55%	4.65%
Post-Conversion	8.6%	4.85%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>Fennell/ Princeton (Nov/98)</u>	<u>City of Hamilton (Oct/98)</u>	<u>Hamilton Mountain (Oct/98)</u>
Two-Bedroom	9	\$725	\$626	\$697

Data Sources: Canada Mortgage and Housing Corporation (CMHC)

Criteria (i) of the Official Plan policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at Fennell Avenue East/Princeton Drive satisfies this test as the rental townhouse vacancy rate within the Hamilton Mountain local housing market zone and the City of Hamilton as at October, 1997 and October, 1998 were over the 2.0% vacancy rate threshold.

Criteria (ii) of the Official Plan policy requires the proposed conversion will not reduce the rental vacancy rate below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the rental townhouse vacancy rate for the City or Hamilton Mountain local housing market zone to below 2.0%. Therefore, this criteria is satisfied.

Criteria (iii) of the Official Plan policy requires the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

The average market rent for the two-bedroom townhouse units in Fennell Avenue East/Princeton Drive is approximately 14% above the City of Hamilton average and 4% above the Hamilton Mountain local housing market zone average.

As a result, criteria (iii) has been satisfied as the average market rents at Fennell Avenue East/Princeton Drive are above the average market rent levels for the City and the respective local housing market zone.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff has reviewed all of the criteria and two specific criteria have Fennell Avenue East/Princeton Drive. The preamble to this section of the Planning Act and the two criteria that are particularly relevant are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) *the adequate provision of a full range of housing;"*

Analysis:

The use of the word "adequate" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "adequate" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings;
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative; and,
- 3) a range of housing in various levels of cost are available in both rental and ownership forms of tenure.

According to CMHC, a rental townhouse vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the

availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental townhouse vacancy rate is also an indicator of the demand for rental townhouse units within a particular area. Although there has been absence of new townhouse rental units since the termination of the various non-profit and co-operative programs, the demand for townhouse rental units is considerably weak as evidenced by a townhouse vacancy rate of over 8.0% as of October, 1997 for the City of Hamilton. In fact, since October, 1991, the rental townhouse vacancy rate for the City has been at or above 2.4%.

Considering the rental townhouse vacancy rate for the City of Hamilton has been at or above 3.5% since October, 1992, combined with a townhouse vacancy rate of over 3% in the Mountain rental sub-market area, this is an indication the demand for rental townhouse units in Hamilton continues to be weak. This weak demand is likely a result of families with children, the key target market for rental townhouse units, moving into the ownership marketplace.

As was noted previously in the analysis of the City's Official Plan policy, the average market rent for the units within Fennell Avenue East/Princeton Drive were recorded as being above the average market rent for similar units in both the Mountain sub-market area and the City of Hamilton.

Accordingly, removal of the 9 rental townhouse units would not act as a negative market influence in the current rental townhouse context within the Mountain sub-market area or the City of Hamilton. This is because of the small number of units involved, the overall rental townhouse vacancy rates and the availability of lower priced alternative rental accommodation. The approval of the rental townhouse units for conversion to condominium at Fennell Avenue East/Princeton Avenue would not be premature and, in addition, the proposal would not adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section has advised that:

"Information:

1. According to our records, the region previously acquired the required road allowance widening on Fennell Avenue East. Therefore we do not anticipate any further road allowance widening at this time.
2. Any works which may occur within the adjacent road allowances must conform to the respective Streets By-law.

3. The designated and existing road allowance width of Princeton Drive is 20.12 m. Therefore, we do not anticipate any further road allowance widening at this time.
4. There is an existing municipal storm and sanitary sewer to service this development directly.
5. There is no municipal share of services to be installed for this development.

The submitted plan, as prepared by Bryan Jacobs O.L.S. stamped with the date November 12, 1998 is satisfactory to the Regional Environment Department, subject to the above noted conditions."

The Traffic Division, Department of Public Works and Traffic has advised that:

"The existing 9 unit multiple dwelling would require a total of 12 parking spaces under current zoning by-law requirements. Our review of the submitted plan indicates that 9 parking spaces can be provided.

Since the site limitations eliminate the possibility of providing additional parking that would meet current standards and the 9 residential units have existed for a number of years with a limited amount of parking, we would have no objection to a reduction in the required parking."

The Building Department advised the following:

1. The recognized use is a nine (9) unit multiple dwelling.
2. The location of the building conforms as shown.
3. The number of parking spaces required when this building was built was nine (9) and is legally established non-conforming.
4. A minimum of 25% of the area of the lot shall be landscaped and a 1.5m (4.92') area landscaped with a planting strip is required between the parking spaces, maneuvering spaces and access driveways and the abutting residents districts to the north and west lot lines.
5. The parking area shall be separated from the adjoining residential district by a fence not less than 1.2m (3.94') and not more than 2.0m (6.56') in height."

TENANT OPINIONS/CONCERNS:

A pre-stamped short survey questionnaire was mailed to all tenants. Of the total 9 surveys that were mailed 5 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	0
	opposed to the proposal? -	2
	undecided? -	3

2. Do you...	intend to purchase a unit? -	0
	prefer to remain as a tenant? -	2
	undecided? -	2
	not identified	1

An informal Information Meeting to discuss the proposed conversion to condominium was held on February 10, 1999. In attendance were the Ward Alderman, staff from the Planning and Development Department, one tenant and a representative for the owner and the owner. The meeting was productive because it allowed all the interested parties to exchange and receive information on the proposed conversion.

COMMENTS:

The proposal complies with the Official Plan on the following basis:

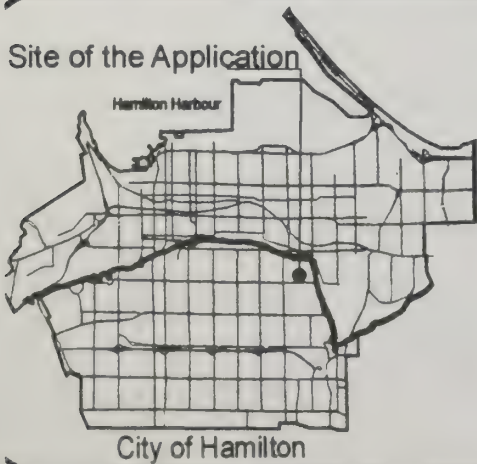
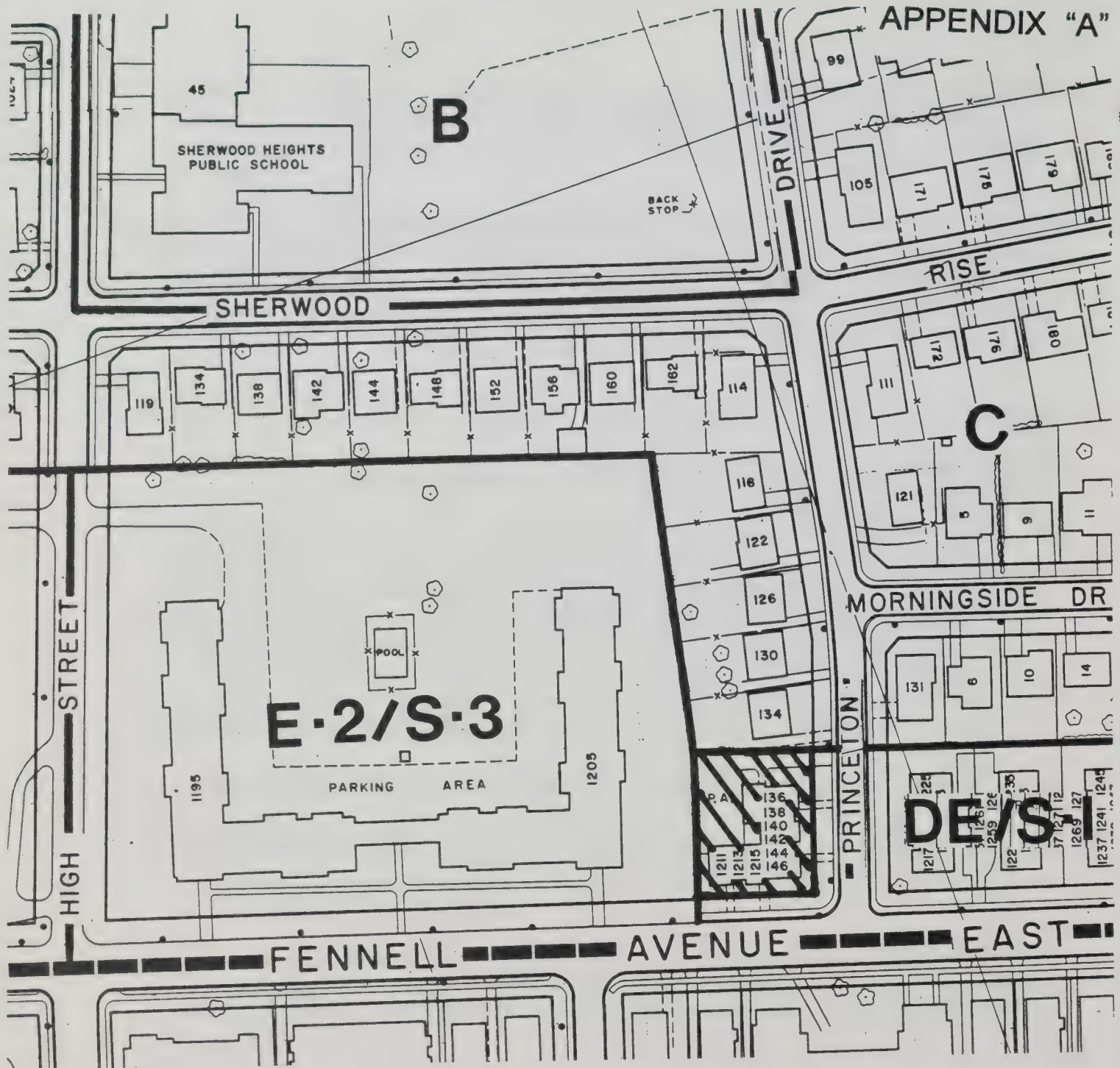
- a) A rental townhouse vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental townhouse vacancy rate for the Mountain sub-market area was recorded by Canada Mortgage and Housing Corporation at 3.3% in October, 1997 and 3.6% in October, 1998 while the overall rental townhouse vacancy rate for the City of Hamilton is over 8.0%. Accordingly, there is an excess supply of rental townhouse units and the proposed conversion to condominium is not premature and will not adversely affect the adequate provision of a full range of housing.
- b) The removal of these units does not reduce the vacancy rate below 2.0%
- c) The rental rates for the property are above the average rental rate for both the City and mountain Submarket zones.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium can be supported.

jhe

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PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

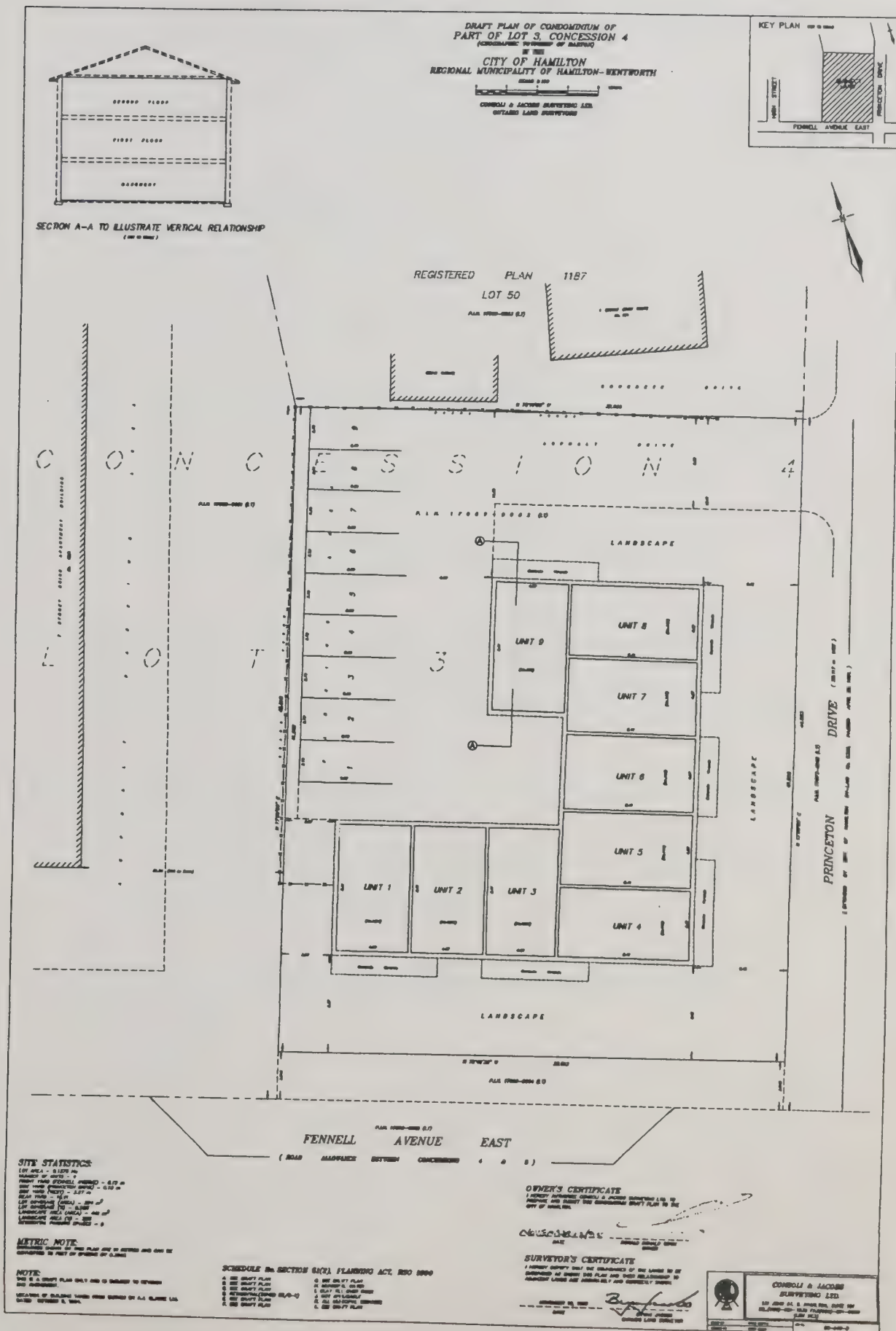
Legend



Site of the Application

Reference file:
CDM-CONV-98015
 Scale
Not to Scale
 Date
January, 1999
 Technician:
B. B.





3.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1999 March 3

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

- i) Minutes of the meeting held February 17, 1999
- ii) Minutes of the special meeting held February 23, 1999

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

- i) Downtown Hamilton Business Improvement Area (B.I.A.) –
Revised Board of Management
- ii) Concession Street Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payments for 1999

C. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

- (i) Proposed Niagara Escarpment Plan Amendment – Home Based
Businesses
- (ii) Authorization for Staff Attendance at an Ontario Municipal Board Hearing –
1534 Barton Street East
- (iii) Request for Extension from Exemption from Part-Lot Control for “Claudette
Gardens, Phase 9” Subdivision

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Ai)

Wednesday, February 17, 1999
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

There were present:

Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow – Civic Business
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly

Also present:

Alderman M. Kiss
L. Coveyduck, General Manager, Community Planning and Development Division
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Art Zuidema, Law Department
Ron Szabo, Law Department
Kevin Nutley, Real Estate Division
Ed Switenky, Public Works and Traffic
Charlie Unelli, Public Works and Traffic Department
Len King, Building Commissioner
Peter Lampman, Building Department
Tina Agnello, Secretary

MAYOR MORROW- MILLENIUM FUNDING

The Committee gave leave for the Mayor to speak on the above-noted matter. He explained that the Province is assisting in funding the event but that various other sources of funding must be found. A Millennium project such as the Harbourfront Trail or Planning for the Plastimet site may be chosen as Millennium projects. He advised that there may be reports brought forward to the Planning and Development Committee in this regard.

PUBLIC MEETINGS – 9:30 A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. City Initiative 98-B, Restaurant Parking

A submission was received from P. Tresidder of the Ainsliewood Association.

Paul Mallard advised that this City Initiative is a housekeeping measure regarding a discrepancy where no parking is required for restaurant use but is required for other commercial or residential uses on site. It deals specifically with points of ingress and egress.

Alderman Copps felt that this will cause traffic problems for the residents and make it easier for the restaurants.

In response to a question from Alderman Caplan, Mr. Mallard explained that the "H" districts have been placed under site plan control.

The Committee was in receipt of a report dated January 28, 1999 from the General Manager, Community Planning and Development Division respecting the above and recommended to Council as follows:

That approval be given to City Initiative 98-B to amend Section 18A. Parking and Loading Requirements of Zoning By-law No. 6593, respecting the location of vehicular access points for restaurant parking in an "H" District, on the following basis:

- (a) That Section 18A. (36) 2 of Zoning By-law No. 6593 be amended by adding the words "parking for" before "a restaurant" in the second line so that the section shall read as follows:

"2. No points of ingress or egress at the lot line, to or from the lot on which parking for a restaurant is located shall be situated closer than 30.0 metres (98.43 feet) to a residential district boundary."; and,

- (b) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (c) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- Alderman Cops and Alderman Caplan opposed.

2. Subdivision Application 98-02 and Zoning Application 98-29, by 1125814 Ontario Inc. (Silvestri Investments), Prospective Owner, for Changes in Zoning for an Irregular Shaped Parcel of Land Located at 803, 819, 823, 865 and 871 West 5th Street.

Paul Mallard advised that the proposal is for a change from agricultural to single family residential. Ten blocks are to be developed in conjunction with adjoining lands. Blocks 5 and 6 are in a holding zone pending the establishment of a street. There is a Committee of Adjustment application in order to make the lots more shallow in depth than that which is required. As such, a noise warning clause will be registered on all lots since some of the lots are adjacent to the LINC.

Al Fletcher, Planner with A.J. Clarke and Associates was present.

Tania Bartolloto, on behalf of her mother who is the owner of 843 West 5th Street, was present. She questioned the intention of the developer regarding the rear of her mother's lot. Paul Mallard explained that it is the intent of the developer to purchase the rear of her mother's lands in order to join with his lands.

The Committee was in receipt of a report dated February 4, 1999 from the General Manager, Community Planning and Development Division respecting the above and recommended to Council as follows:

- A. (a) That approval be given to Subdivision Application 98-02, (Regional File No. 25T-98005), 1125814 Ontario Inc. (Silvestri Investments), prospective owner to establish a draft plan of subdivision "Parkway Manor", on lands located east of West 5th Street and south of the Lincoln M.

Alexander Parkway, known municipally as 803, 819, 823, 865 and 871 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:

- (i) That this approval apply to the plan prepared by A.J. Clarke & Associates Ltd., and certified by M.J. Terry, O.L.S., dated June 29, 1998, as revised in red, showing 58 lots for single detached dwellings, 10 blocks to be developed with the abutting lands for single detached dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and three streets identified as Street "A", Street "B" and Street "C", attached as Appendix "B"; and,
- (ii) That Street "A", Street "B" and Street "C" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,
- (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,
- (iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
- (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
- (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (ix) That the Owner agree in writing not to apply for a Building Permit for Blocks 59 - 64, inclusive, Blocks 67 - 69, inclusive and Block 71 until such time as these lands have been assembled with the abutting lands to create building lots to the satisfaction of the Director, Planning and Development Department; and,
- (x) That the Owner agree in writing that Lot 10 and Blocks 64 and 71 are not to be developed until such time as Blocks 64 and 71 and the abutting lands have been assembled to the satisfaction of the Director, Planning and Development Department; and,
- (xi) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks

within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City/Regional Solicitor:

"Purchasers are advised that noise levels originating from the Lincoln M. Alexander Parkway may become of concern, occasionally interfering with some activities of the occupant;"; and,

- (xii) That the Owner acquire the lands shown as Part 2 on Reference Plan 62R-10580 to establish Street "B" from West 5th Street to the west limit of the subdivision, and that Street "B" be dedicated to the City of Hamilton, prior to the registration of the first phase of development; and,
- (xiii) That the Owner agree in writing that the lands, shown as Part 2 on Reference Plan 62R-10580 and not required for roadway purposes, are not to be developed until such time as these lands have been assembled with the abutting lands to create building lots to the satisfaction of the Director, Planning and Development Department; and,
- (xiv) That the final plan of subdivision provide for a 0.30m reserve along the southerly limits of Street "B" for a distance of 45m to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
- (xv) That the radii labeled on the north-south section of Street "A" shown as 100m and 120m be reversed; and,
- (xvi) That Lots 29 to 35 inclusive, and Blocks 64 and 71 not be developed until such time as the cul-de-sac on Street "C" is established to its full width; and,
- (xvii) That a 10m radius transition be provided out of the cul-de-sac bulb on Street "C"; and,
- (xviii) That 1m by 1m daylight triangles be provided at the intersection of Street "B" and Street "C"; and,
- (xix) That 2m by 2m daylight triangles be established on all L-shape bends in the roadway, which includes Lots 8 and 18 on the draft plan submitted; and,
- (xx) That the maximum number of residential dwelling units with one public access street not exceed 100 units on a temporary basis; and,
- (xxi) That Lots 1 to 18 inclusive and Block 63 not be developed until either full street access is provided from adjacent lands to the south or Street "A" is established and constructed to its full 20m width; and,

- (xxii) That Lots 19 to 24 inclusive not be developed until such time as Street "A", abutting these lands is established and constructed to its full 20m width; and,
- (xxiii) That Block 66 (0.30m reserve) be deleted from the final plan; and,
- (xxiv) That any dead-end and unopened sides of road allowances be terminated in 0.30 metre reserves; and,
- (xxv) That the owner provide a temporary cul-de-sac at the south termination of Street "A" constructed to Ontario Provincial Standards, with a 9 metre radius bulb enclosed by curbs, with a 15 metre radius of road right-of-way to the satisfaction of the Commissioner, Department of Public Works and Traffic; and,
- (xxvi) That the owner prepare and submit to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works and Traffic a driveway location plan for Lots 10, 11, 30 to 35, inclusive, and 43 to 50, inclusive, demonstrating that the driveways do not overlap onto the adjacent property; and,
- (xxvii) That the owner agree in writing to register on title of Lots 10, 11, 30 to 35, inclusive and 43 to 50, inclusive, the approved driveway location plan showing the driveway location. The owner shall also ensure that the driveway location plan is included in all offers of purchase and sale and reservation agreements, to the satisfaction of the Commissioner, Department of Public Works and Traffic and the City/Regional Solicitor; and,
- (xxviii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following notes:
 - (a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (b) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,
 - (c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

- (d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
 - (xxix) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,
 - (xxx) That the Owner dedicate Block 70, being a 5.18m road widening, to the Region of Hamilton-Wentworth to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,
 - (xxxi) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-98-02/25T-98005), "Parkway Manor", proposed draft plan of subdivision, and, that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.
- B. That approval be given to Amended Zoning Application 98-29, 1125814 Ontario Inc. (Silvestri Investments), prospective owner for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District (Block "1"); from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, (Block "2"); from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified (Block "3"); from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified (Block "4"); from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc - Holding) District, modified (Block "5"); and from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc - Holding) District (Block "6"), for lands located east of West 5th Street and south of the Lincoln M. Alexander Parkway, known municipally as 803, 819, 823, 865 and 871 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, modified; and,

- (c) That Block "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified; and,
- (d) That Block "4" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, modified, and,
- (e) That Block "5" be rezoned from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc - Holding) District, modified; and,
- (f) That Block "6" be rezoned from "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc - Holding) District; and,
- (g) That the Freeway Standards regulations as contained in Section 6 of Zoning By-law No. 6593, applicable to Blocks "2", "3", "4" and "5" be modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 6.(19)(a) of Zoning By-law No. 6593, no residential structure shall be located closer than 12.5m from the Mountain Freeway right-of-way; and,
- (h) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "5" and "6", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal sewers servicing the subject lands as the City deems necessary.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in the By-law, by enactment of an amending By-law once the condition is fulfilled; and,
- (i) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1424. and that the subject lands on Zoning District Map W-9B be notated as S-1424; and,
- (j) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
- (k) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

3. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Staircase Theatre, 27 Dundurn Street North – Request for Exemption from Requirements for Securities Under Site Plan Control

Alderman Caplan asked the Committee to make an exception to their policies based on the fact that this project is a good adaptive use and is supported by the community.

The Mayor concurred and stressed that the Committee should look at the broader perspective of the development.

Alderman Charters urged the Committee to follow its policies since not doing so would set a precedent for other cases and erode the value of the City policies. He

stated that we must protect the City and developments within the City.

Alderman Eisenberger concurred with Alderman Charters.

Alderman Corsini suggested that the recommendation be amended to allow the request but that the time period be reduced from 5 to 3 years.

In response to a question from Alderman Haining, Paul Mallard advised that each exception would come to the Committee on a case by case circumstance.

Alderman Charters was concerned that this decision is not appealable and through the zoning process people were led to believe that site plan would be implemented as per City policy.

In response to a question from Alderman Charters, Peter Lampman advised that if the works are not completed after 3 years, the City may do the work and place the cost on the taxes.

The Committee was in receipt of a report dated February 12, 1999 from the General Manager, Community Planning and Development Division. The Committee did not vote on the denial, but instead approved the request with a three-year time frame and recommended to Council as follows:

That the request for a three (3) year time frame for the Completion of Works under Site Plan Control and exemption from Site Plan Control Security Requirements by Hugh MacLeod, owner of lands at 27 Dundurn Street North for a 60 seat live theatre with attendant facilities, a 24 seat restaurant and 1 dwelling unit within the existing building, as shown on the attached map marked as Appendix "C" be approved.

- Alderman Charters and Alderman Eisenberger opposed.

4. REFERRAL OF COMMITTEE OF THE WHOLE

Increase in Beds or Services at 94 York Blvd.

Peter Lampman advised that at present there is no limit on the number of beds for correction facilities.

The Committee members determined that they do not want the building envelope increased and neither do they want a relocation of parole officers to that location. They also felt that the City of Hamilton has a high per capita rate regarding these types of social service facilities.

In response to a question from Alderman Kelly, L. Coveyduck advised that a report regarding the number and capacity of facilities in Hamilton is being drafted as per Council direction.

Following discussion the matter was tabled pending staff's report.

5. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held February 3, 1999 were adopted as presented.

The following recommendations were forwarded to Council for approval:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Barton Village Business Improvement Area (B.I.A.) Revised Board of Management, dated February 1, 1999:

- (a) That Schedule 'B' of By-law No. 87-308, as amended, appointing the Barton Village B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

D. Boukhers	Farah's Foodmart
J. Hendry	Hendry's Family Shoes
S. Manners	Siemens Westinghouse Inc.
J. Hilger	Ways to Wisdom
J. Howard	Econ-o-wash Laundry
P. Nusca	Nusca Custom Tailors Ltd.
M. Tollis	Riviera Banquet Centre
N. LaSala	Nick's Auto Service
R. Palmese	Palmese Photodesign Group Inc.
K. Cody	Orthopaedic Services
J. Sellers	Sottomayor Bank Canada

- (b) That the City/Regional Solicitor, Corporate Services, be directed to amend Schedule 'B' of By-law No. 87-308 pursuant to (a) above.

(ii) Concession Street Business Improvement Area (B.I.A.) – Revised Board of Management, dated January 25, 1999

- (a) That Schedule 'B' of By-law No 86-144, as amended, appointing the Concession Street B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

Rino Bistoyong	616 Concession St.,	Canfin Financial Group Inc.(Owner)
Debby Johnson	576 Concession St.,	Why Pay More (Tenant)
Paul Wharton	552 Concession St.,	Wharton Copy Print (Owner)
Roger Burrough	588 Concession St.	Camtech Photo Services (Owner)
John Woolcott	536 Concession St.,	Woolcott Shoes (Owner)
Betty Toplack	560 Concession St.,	Mountain Book Store (Tenant)

- (b) That the City/Regional Solicitor, Corporate Services, be directed to amend Schedule 'B' of the By-law No. 86-144 pursuant to (a) above.

(iii) Downtown Hamilton Business Improvement Area (B.I.A.) –

Proposed Budget and Schedule of Payments for 1999, dated January 29, 1999:

- (a) That the 1999 operating budget for the Downtown Hamilton B.I.A., attached as Appendix "D" be approved in the amount of ninety-eight thousand, two hundred and forty dollars (\$98,240); and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 1999 be approved:

February 01	\$24,560
March 01	\$24,560
June 01	\$24,560
September 01	\$24,560

Note: 1998 assessment appeals may be deducted from the 1999 levy payments.

C. GENERAL MANAGER, PLANNING AND DEVELOPMENT DIVISION

- (i) **1999 – 2008 Provisional Capital Budget Program, dated February 3, 1999:**

The Committee was in receipt of the above-noted recommendation and resolved to table the matter to a special meeting of the Planning and Development Committee to be held February 23, 1999.

- (ii) **Request for a One Year Extension for the Approval of Site Plan Control Application DA-96-32 by Future Homes and St. Michael Place Inc., owner, for Lands Located at 25 and 35 Rymal Road West, dated February 2, 1999:**

That approval be given to the request by Future Homes and St. Michael Place Inc., owner of the lands at 25 & 35 Rymal Road West, as shown on the attached map marked as Appendix "E", for an extension to the approval of Site Plan Control Application DA-96-32 to March 7, 2000, and that at the end of the extension period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

- (iii) **1999 Planning Conferences, dated February 5, 1999:**

- (a) That the Chairman or his designate and two other members of the Planning and Development Committee attend the 1999 American Planning Association National Conference in Seattle, April 24-28; and,
- (b) That the Chairman, or his designate attend the 1999 Canadian Institute of Planners Conference in Montreal, June 6-9; and,

- (c) That cost for attendance be allocated to the Alderman Travel Account No. CH55201-10010, from the 1999 Operating Budget.

Prior to voting on the motion the Committee agreed to an amendment to add two members of the Planning and Development Committee as well.

D. GENERAL MANAGER, CORPORATE SERVICES

(i) Declaration of Surplus Property/Inclusion in the Land Titles & Rezoning Application for – 837 West 5th Street, dated February 4, 1999:

- (a) (i) That the property at 837 West 5th Street be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
- (ii) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049; and,
- (b) That 1125814 Ontario Ltd. (Paul Silvestri, President) be authorized to include the City owned lands known as 837 West 5th Street, more specifically designated as Part 2 on Plan 62R-10580 in their application for the rezoning of their own lands and registration of the same lands into the Land Titles System.

(ii) Extension of Construction Dates – 1650 Upper Ottawa Street, dated February 4, 1999:

- (a) That the Offer to Purchase the lands of The Corporation of the City of Hamilton known as 1650 Upper Ottawa Street, duly executed by AFFG Properties & Investments Inc. on March 16, 1998 and approved by City Council on April 28, 1998, Item 12 of the 8th Report of the Planning and Development Committee, be amended as follows:
 - (i) that clause 6.3, 1., the commencement of construction date be extended from June 27, 1999 to December 31, 1999; and,
 - (ii) that clause 6.3, 2., the completion of construction date be extended from June 27, 2000 to December 31, 2000; and,
- (b) That all other conditions of the Agreement shall remain the same and time is of the essence; and,
- (c) That the Legal Services Section be authorized and directed to take the appropriate action in dealing with this matter.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(i) Information Items:

The Committee approved the previously received information items as follows:

- (a) General Manager, Community Planning and Development Division re: Approved Site Plan Applications dated February 4, 1999.
- (b) Secretary, LACAC re: Minutes of the meeting held January 18, 1999, dated February 8, 1999.

6. OTHER BUSINESS

(a) BUILDING COMMISSIONER

Elevators in Residential Buildings, dated February 15, 1999:

That the City/Regional Solicitor be authorized and directed to amend Property Standards By-law 98-243 to include the following new requirements:

- (a) In multiple dwellings more than three (3) storeys in height, but not more than six (6) in height, where existing elevators for use by tenants are provided, at least one elevator shall be properly maintained and kept in operation except for such reasonable time as may be required to repair or replace, and;
 - (b) In multiple dwellings more than six (6) storeys in height, elevators intended for use by tenants shall be properly maintained and kept in operation except for such reasonable time as may be required to repair or replace them.
- (b) Alderman Corsini placed a motion on the floor regarding a preferred location for the new federal building but there was no seconder to the motion.

7. ADJOURNMENT

There being no further business, the meeting then adjourned.

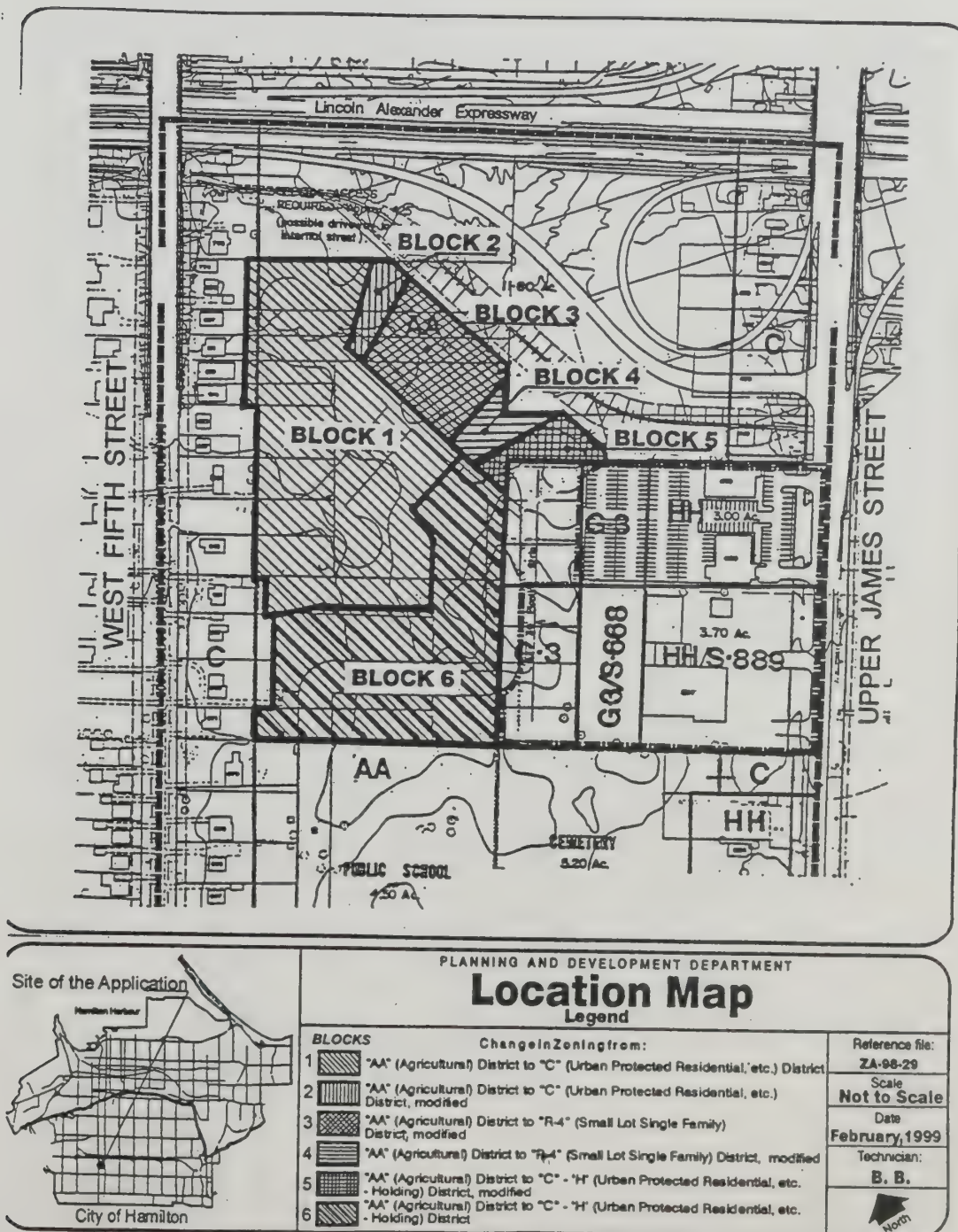
Taken as read and approved,

ALDERMAN F. D'AMICO, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE

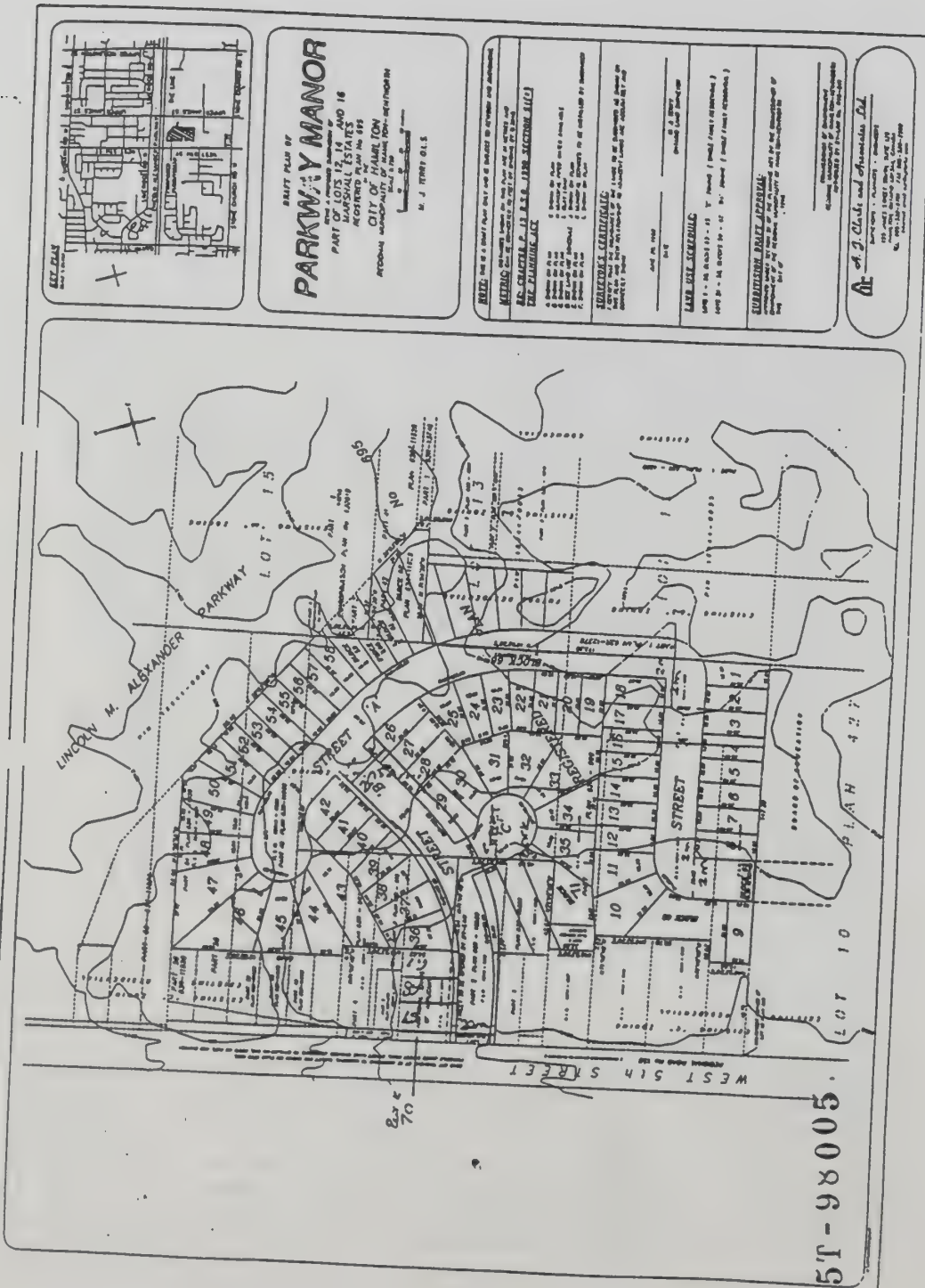
Tina Agnello, Secretary

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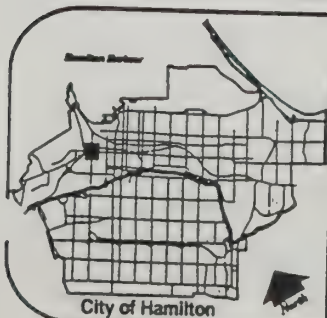
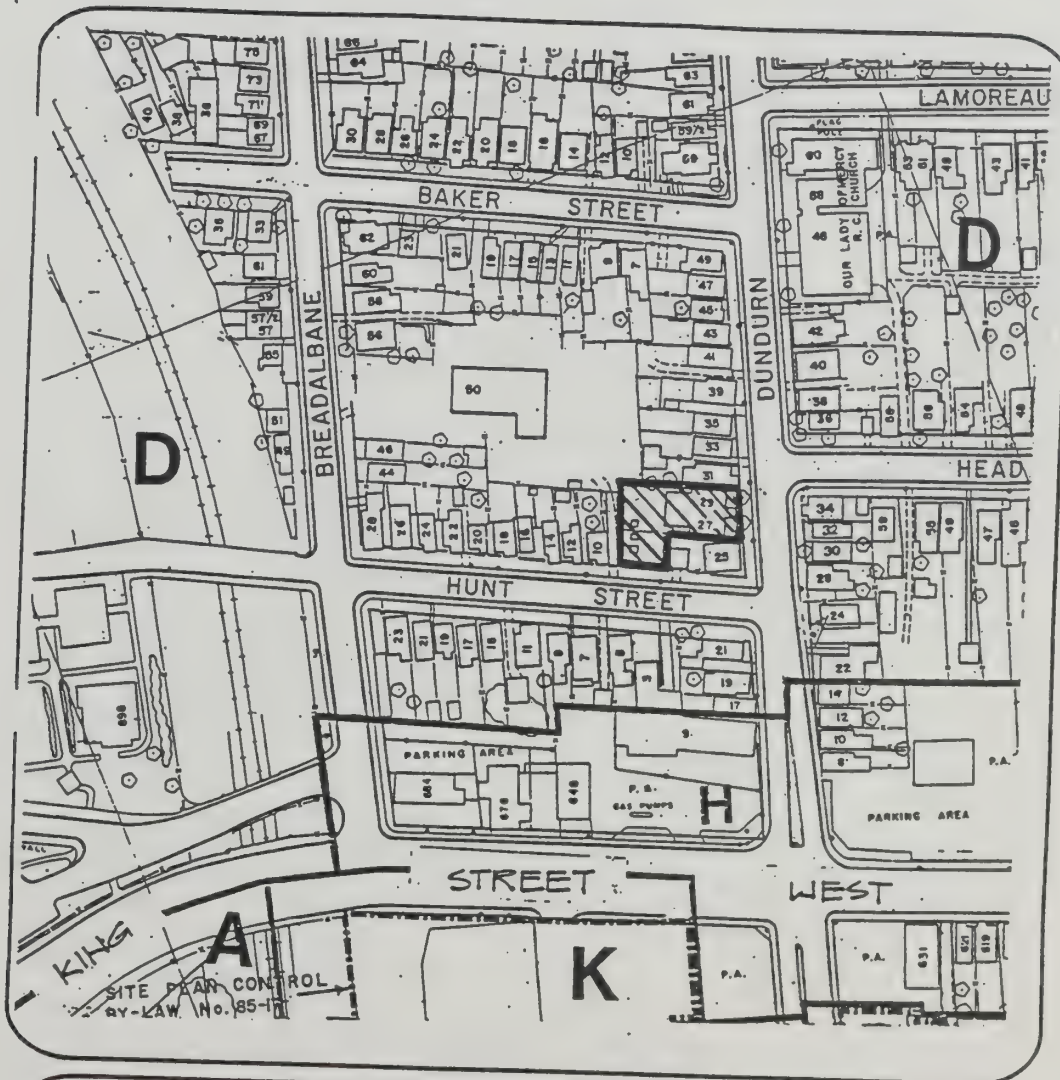
Appendix "A" as referred to in Section 2A(a)
and 2B of the Planning and Development
Committee minutes for the meeting held
February 17, 1999



Appendix "B" as referred to in Section 2A(a)(i)
of the Planning and Development
Committee minutes for the meeting held
February 17, 1999




Appendix "C" as referred to in Section 3
of the Planning and Development
Committee minutes for the meeting held
February 17, 1999



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

 Site of Application

Reference file:
ZAC-98-18

Scale
Not to Scale

Date
May 1998

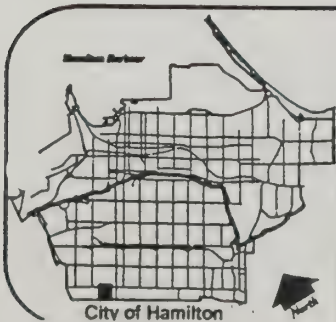
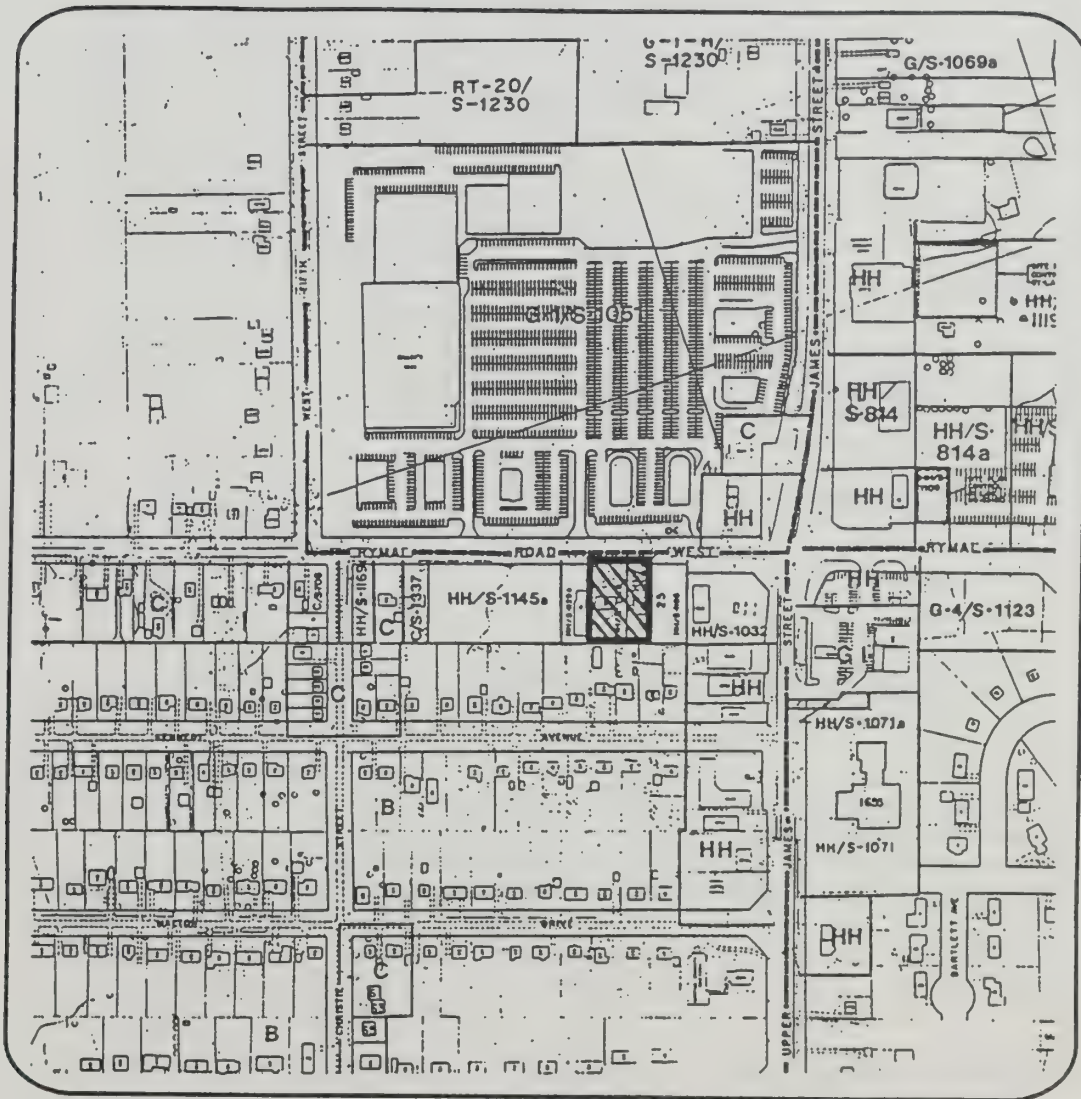
Technician:
FAB

Appendix "D" as referred to in Section 5B(iii)
of the Planning and Development
Committee minutes for the meeting held
February 17, 1999

**DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA'S
1999 OPERATING BUDGET**

Promotions and Special Events (summer programs, sponsorships, Christmas, advertising, other events)	\$27,240
Administration and Other Expenses (rent, meetings, utilities, office expenses and supplies, telephone, meetings, salary of Executive Director, etc.)	\$71,000
TOTAL	\$98,240

Appendix "E" as referred to in Section C(ii)
of the Planning and Development
Committee minutes for the meeting held
February 17, 1999



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of Application

Reference file:

DA-96-32

Scale

Not to Scale

Date

January 1999

Technician:

FAB

Aii)

Tuesday, February 23, 1999
Room 233, City Hall
3:00 o'clock p.m.

The Planning and Development Committee met in special session.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly

Also present: Alderman M. Kiss
Alderman A. Horwath
Alderman C. Collins
LeeAnn Coveyduck, General Manager, Community Planning
and Development Division
Victor Abraham, Director of Planning and Development
Bill Janssen, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Nina Chapple, Planning and Development Department
Dave Powers, Solicitor
Nick Catalano, Director of Economic Development
Len King, Building Department
Tina Agnello, Secretary

1. GENERAL MANAGER, PLANNING AND DEVELOPMENT DIVISION

1999-2008 Provisional Capital Budget Program

L. Coveyduck, General Manager, Community Planning and Development Division, advised that the process is review by the Committee, followed by a ranking by the Management Team, then the budget is blacklined based on the amount of money available and then forwarded to the Budget steering Committee for review.

She recommended that item 6, regarding the Lister block, and item 11, regarding Victoria Hall, MacKay Building be withdrawn.

The Committee moved into closed session to discuss property and negotiation matters and reconvened immediately thereafter with the following reports:

- (a) That Item B 1 regarding the Urban Entertainment Centre be referred to the Committee of the Whole,
- (b) That Item 6 regarding the Lister Block, and item 11, regarding Victoria Hall, MacKay Building be deleted, and,
- (c) That items 7 and 8 regarding the Enclaves be considered outside the 10 year period.

-AND-

2. MAYOR ROBERT M. MORROW**Identification of Preferred Site for Urban Entertainment Centre – Funding for a Consultant**

As recommended in a report from Mayor R.M. Morrow dated February 23, 1999, the Committee recommended to Council as follows:

1. (a) That the City of Hamilton provide \$10,000 towards the cost of preparing an architectural and planning design study for the urban entertainment centre that includes:
 - (i) schematic layouts and floor plans for the urban entertainment centre; and,
 - (ii) building elevations for the centre; and,
 - (iii) the traffic flows and impacts emanating from such a facility; and,
 - (iv) general site requirements in terms of size of a site; and,
- (b) That the General Manager, Finance, will recommend the source of financing for the architectural and planning design study for the Urban Entertainment Centre.

3. ADJOURNMENT

There being no further business, the meeting then adjourned.

Alderman Frank D'Amico
Chairman
Planning and Development Committee

Tina Agnello
Secretary

TA/jt

B i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 February 17

REPORT TO: T. Agnello
Legislative Assistant
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) –
Revised Board of Management.

RECOMMENDATION:

- a) That Schedule 'B' of By-law No. 86-73, as amended, appointing the Downtown Hamilton B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

K. Findlay	F. D. Findlay Clothier
A. Peckham	Royal Bank
A. Herpers	Herpers Gowling
R. Harris	Harris and Henderson
J. Livingston	Livingston Furs
R. Titian	Reggie's Music and Sound
K. Wiegand	Right House
R. Sorenson	Sundried Tomatoes
M. McNally	Jeset Investments
R. Letourneau	Just Imagine Printing
D. Bocker	Royal Connaught Hotel
R. Ianuzzi	Canadian Imperial Bank of Commerce
N. Godwin	Nancy Goodwin, Barrister & Solicitor
D. Blanchard	Hughson Business Space Corporation
D. Lugowy	Dennis Lugowy, Chartered Accountant

D. Lobo

- b) That the City/Regional Solicitor, Corporate Services, be directed to amend Schedule 'B' of By-law No. 86-73 pursuant to (a) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

At its Board of Management meeting held 1999 February 16, the Downtown Hamilton B.I.A. removed G. Attard, Ramada Hotel, from its Board of Management since he no longer operates a business nor owns property within the B.I.A. therefore does not qualify for membership. The removal of G. Attard brings the total Board members to 15, not including the Ward Aldermen, and is in compliance with the B.I.A.'s constitution.

HM:hm

c.c. C. Gorni, Executive Director
Downtown Hamilton B.I.A.

Bii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 17, 1999

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1999

RECOMMENDATION:

- a) That the 1999 operating budget for the Concession Street B.I.A. (Attached as Appendix 'A') be approved in the amount of \$12,250.
- b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above: and,
- c) That the following schedule of payments for 1999 be approved:

March 01	\$6,000.00
June 01	\$6,250.00

Note: 1998 assessment appeals may be deducted from the 1999 levy payments.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$12,250. is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1999 February 16, the Concession Street B.I.A. adopted a 1999 operating budget of \$12,250.

This amount will be levied against owners of commercial/industrial properties within the B.I.A. boundaries and collected as part of the municipal tax bill for each property. For reference purposes, the B.I.A. levy will appear as a separate item on the tax bill.

DL:JP:jp

c.c. Betty Toplack, Co-Chair
Concession Street B.I.A.

John Woolcott, Co-Chair
Concession Street B.I.A.

Alan Ross, General Manager
Finance Department

Att: Larry Friday, Supervisor of Tax Administration/Banking

APPENDIX 'A'

CONCESSION STREET B.I.A. PROPOSED BUDGET FOR 1999

ADVERTISING AND PROMOTION

Installation and storage of Christmas Decorations	\$3,000.
Hydro-Christmas Lights	\$ 850.
Advertising and Promotion and Newsletter	\$6,600.

ADMINISTRATION

Insurance	\$ 950.
Accounting-Auditor	\$ 350.

OTHER

Miscellaneous	\$ 500.
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<u>Total budget for 1999</u>	<u>\$12,250.00</u>
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Ci)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 February 17
(ENV-NEC)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Proposed Niagara Escarpment Plan Amendment – Home Based Businesses

RECOMMENDATION:

That the City of Hamilton inform the Region of Hamilton-Wentworth, the City does not object to the proposed amendment to the Niagara Escarpment Plan respecting home based businesses.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the Niagara Escarpment Planning and Development Act, the City's policies must comply to the Niagara Escarpment Plan.

BACKGROUND:

The impetus behind the Niagara Escarpment Plan review of home based businesses was the growth of the small business sector on the Escarpment and the lack of detailed policies and criteria required to permit these uses.

In August 1998, the Niagara Escarpment Commission surveyed municipalities to determine if home based businesses were permitted and under what conditions. Unlike local municipalities, the Niagara Escarpment Plan policies must address what impacts home based businesses would have on the natural and cultural features of the Escarpment.

As a result, the Niagara Escarpment Commission directed staff to prepare a policy paper and subsequently a Plan amendment to address the issue of home based businesses.

The Niagara Escarpment Commission is requesting the City of Hamilton to provide comments to the Region and in turn the Region will provide comments to the Niagara Escarpment Commission.

PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT

The proposed amendment clarifies the three types of home based businesses and sets out criteria for their location.

- The following definitions are proposed:
 - ✓ home occupation (i.e. hair dresser, doctor etc) which can be carried on within a portion of a dwelling or in an accessory building
 - ✓ cottage industry (i.e. dressmaker, painter) which can be carried on within a portion of a dwelling or in an accessory building
 - ✓ home industry is a small scale use that provides service mainly to the rural or farming community (i.e. Black smith, metal working)
- The following criteria will used to evaluate home based businesses:
 - ✓ The local policies and regulations apply for home based businesses which are located in the Urban Area
 - ✓ It is to be located with a single dwelling only in the Escarpment Natural Area;
 - ✓ It can be located in an accessory building, instead of the single dwelling, within the Escarpment Protection and Escarpment Rural areas provided there are justifiable reasons.
 - ✓ There are limitations on the square footage to be used for businesses both in the single dwelling and the accessory dwelling;
 - ✓ There are design criteria for the accessory building; and,
 - ✓ The business:
 1. is to be carried on by the resident and an additional 2 employees can be hired;
 2. is permitted to have limited retail sales
 3. is prohibited to have outdoor storage and display of goods
 4. must have minimal impacts on the environment

5. is required to be accessory to the primary residential or agricultural use.
6. must comply with the local municipalities policies/regulations.

This Amendment allows the municipality to apply stricter regulations the Niagara Escarpment Plan, if they wish.

IMPACT ON THE CITY OF HAMILTON

At the present time, both the Official Plan and the Zoning By-law contain policies/regulations respecting home based businesses (home occupations).

Both documents permit the uses but there are restrictions:

1. It is to be located within the dwelling only and only a limited floor area can be used;
2. The business has to be run by family members and no other employees may be hired;
3. No goods are permitted for display or sale; and,
4. There is maximum size for signs;

The Niagara Escarpment Plan Amendment has a minimal impact on the City of Hamilton because our policies on home occupations are more restrictive. The Niagara Escarpment Commission would permit such uses in an accessory structure; our regulations restrict the use to the dwelling. The more restrictive of the regulations will apply.

In addition, there are a number of regulations for rural areas that are not applicable to the City.

CONCLUSION:

Based on the foregoing, the Niagara Escarpment Plan Amendment has no impact on the City of Hamilton because the City regulations for home based businesses are more restrictive.

jhe

CITY OF HAMILTON

Cii)

- RECOMMENDATION -

DATE: 1999 February 16
Homeside Neighbourhood
A-98:202

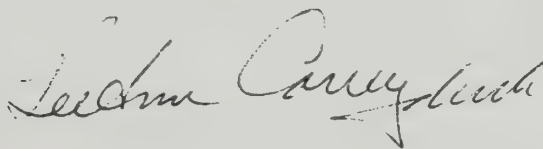
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board
Hearing - 1534 Barton Street East

RECOMMENDATION:

That the appropriate staff (e.g. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-98-202, respecting property located at No. 1534 Barton Street East, as shown on attached map marked as APPENDIX "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

BACKGROUND:

Committee of Adjustment application A-98-202 has recently been appealed to the Ontario Municipal Board. At its meeting of September 30, 1998, the Committee accepted Planning and Development staff's recommendation and denied the application. The proposal is to permit the conversion of a single family dwelling with 6 (six) lodgers to provide 6 Class A dwelling units, notwithstanding the floor area of units 1 and 4 is 51.37m² (553 ft.²), the floor area of units 2 and 6 is 26.56m² (285.9 ft.²) and the floor area of units 3 and 5 is 25.18m² (271 ft.²) instead of the required 65m² (699.65 ft.²). In addition, the lot area is 294.5m² (3170.08 ft.²) instead of the required 450m² (4843.92 ft.²) and only 3 parking spaces are provided instead of the required 8 parking spaces.

CONCLUSION:

Consistent with current practice in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

JG/

CITY OF HAMILTON

- RECOMMENDATION -

Ciii)

DATE: 1998 November 4
(PLC-97-05)
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for Extension from Exemption from Part-Lot Control
for "Claudette Gardens, Phase 9" Subdivision
Registered Plan 62M-825

RECOMMENDATION:

- A. That approval be given to the request by A. DiSilvestro, Solicitor for 800064 Ontario Inc. (A. DiSilvestro), Owner, for a 1 year extension from part lot control for the purposes of establishing maintenance easements for Lots 15, 17 – 22, inclusive, 25, 26, 27 30 and 31, Registered Plan 62M-825, "Claudette Gardens, Phase 9", known municipally as 3, 7, 19, 23, 27, 39, 43, 47, 51, 55, 59, and 67 Claudette Gate, as shown on the attached map marked as Appendix "A"; and,
- B. That the attached by-law, marked as Appendix "B", to remove part lot control from Lots 15, 17 – 22, inclusive, 25, 26, 27, 30 and 31, Registered Plan 62M-825, "Claudette Gardens, Phase 9", be enacted by Council and that the exempting by-law be restricted to a 1 year effective time period to expire on April 1, 2000.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council may pass a by-law for exemption from part-lot control for the purposes of creating maintenance easements for zero-lot line single family dwellings within a registered plan of subdivision.

BACKGROUND:

Proposal

The applicant, A. DiSilvestro, Solicitor for 800064 Ontario Inc., owner, has requested a 1 year extension to Part Lot Control By-law No. 98-087 to allow for the establishment of maintenance easements in accordance with the Registered Plan of Subdivision 62M-825,

"Claudette Gardens, Phase 9". The maintenance agreements will be on Lots 15, 17 – 22, inclusive, 25, 26, 27, 30 and 31. The extension has been requested in view of market conditions in that 12 of the original 18 lots are still in 800064 Ontario Inc.'s possession.

Council, at its meeting of March 10, 1998, passed By-law No. 98-087 which exempted the subject lands for a period of 1 year to March 15, 1998. In accordance with Section 50(7.4) of the Planning Act, the applicant has requested that Council extend the exemption from part-lot control. The request for a 1 year extension was received by the Community Planning and Development Division on February 17, 1999. Approval of the exemption request is required prior to the expiration of By-law 98-087 on March 15, 1998 to avoid the need to pass a new exemption by-law which requires Regional approval prior to registration.

Location

The subject lands are located west of Garth Street and front onto Claudette Gate in the Falkirk East Neighbourhood and are known municipally as 3, 7, 19, 23, 27, 39, 43, 47, 51, 55, 59, and 67 Claudette Gate (see Appendix "A").

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. During the effective time period, lands may be conveyed or easements established in the absence of any additional municipal review. Given that the applicant is proposing to establish maintenance easements on the subject lands, then the easements can be registered at any time during the effective period of the By-law, irrespective of whether or not building permits have been issued or if dwellings are under construction. In this regard, the exempting by-law should be restricted to a 1 year effective time period.
2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.

CONCLUSION:

Based on the foregoing, the request to extend the exemption from part-lot control can be supported.

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 99—

To Extend By-law No. 98-087

Respecting:

Land within the "Claudette Gate, Phase 9" Subdivision, Plan 62M-825
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** — Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** — A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** — An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** — A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** — The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** — The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

AND WHEREAS the Council of the Corporation of the City of Hamilton enacted By-law No. 98-087 on March 10, 1998 to remove the lands described in section 1 thereof from part lot control, which expires on March 15, 1999,

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 98-087, as it relates to Lots 15, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30, and 31, Registered Plan 62M-825 only;

AND WHEREAS approval under subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 98-087 is hereby repealed and the following substituted therefor:

"(c) Other than Lots 15, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30, and 31, this By-law shall no longer be of any force and effect. As it relates to Lots 15, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30, and 31, this By-law expires on April 1, 2000."

2. Section 1. of By-law No. 98-087 is hereby repealed and the following substituted therefor:

"Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating maintenance easements only, to the following lands:

Lots 15, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30, and 31, within Registered Plan Number 62M-825, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 98-087 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 98-087.

PASSED this 9th

day of

March

A.D. 1999.

MUNICIPAL CLERK

MAYOR

(1998) _ R.P.D.C. _ , October 7
822827 Ontario Inc., Owner
PLC-97-04

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 24, 1999

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Director of Housing re: Commercial Property Improvement loan program-decrease, 524 Barton Street East, dated February 10, 1999
- (b) Commissioner, Public Works and Traffic re: Eleventh Annual Business Development Seminar – October 18, 1999

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

T. Agnello

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

C94 ON HBL A05
C51P4
1999

URBAN
MUNICIPAL



Urban Municipal Collection
2nd Floor
Hamilton Public Library

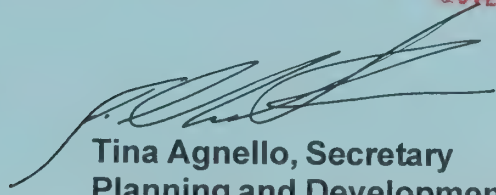
NOTICE OF SPECIAL MEETING
PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, March 9, 1999
7:00 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL

MAR 15 1999

GOVERNMENT DOCUMENTS


for
Tina Agnello.
Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. 276 Wellington Street North, Demolition Permit. (Report to follow)
2. Other Business
3. Adjournment

20A JSH L0 PPD
P9120
PPPI

C44 ON HBL A05
C51P4
1999



Urban Municipal Collection
2nd Floor
Hamilton Public Library

**URBAN
MUNICIPAL**

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, March 24, 1999
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

MAR 25 1999

GOVERNMENT DOCUMENTS

T. Agnello

**Tina Agnello, Secretary
Planning and Development Committee**

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 99-03, by Effort Trust Company (A. Weisz), prospective owner, for a modification in zoning to the established "D" District for 1016 Upper Paradise Road.

2. Central Neighbourhood Plan

3. **GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION**

- a) Terms of Reference – Study on Land Use Planning Policies for Residential Care Facilities, Short Term Care Facilities, and Places of Detention.
- b) CAPIC Support for Proposed Review of Social Service Facilities.

4. **CONSENT AGENDA**

5. **SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Hamilton Cemetery Gatehouse – Designation under the Ontario Heritage Act

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

N o	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
6.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
7.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
8.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
9.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
10.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
11.	Walkway Closure –Forestgate Drive	1998 November 4	Referred to Staff	Report Forthcoming
12.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
13.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
14.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
15.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
16.	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming March 17, 1999

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 March 10
ZAC-99-03'
Falkirk West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Request for a modification in zoning for lands located at the rear of
1016 Upper Paradise Road

RECOMMENDATION:

- (a) That approval be given to Zoning Application ZAC-99-03, Effort Trust Company (A. Weisz), prospective owner, for a modification in zoning to the established "D" (Urban Protected Residential – One and Two Family, etc.) District, for lands known municipally as 1016 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the "D" (Urban Protected Residential – One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 98-210, applicable to the subject lands, be modified to include the following variances, as special requirements:
- 1) That notwithstanding Section 2.(6) and 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling only a portion of one required side yard having a width of not less than 0.60 metres that abuts the wall of an attached garage shall be permitted, except that:
 - a) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained; and,
 - b) where a side yard abuts any other residential district, a side yard of 1.2 metres shall be provided and maintained.
 - 2) That notwithstanding Section 5(b) of Zoning By-law 98-210, applicable to the subject lands, for a one storey dwelling, the lot

coverage of all buildings and structures shall not exceed 45% of the lot area;

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1405a, and that the subject lands on Zoning District Map W-37D be notated as S-1405a;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (v) That the City Solicitor be directed to provide for the establishment of maintenance easements for all lots with a 0.60 m sideyard setback by the developer as part of the City of Hamilton Subdivision Agreement which is required as a condition of draft plan approval for the "Tiffany Park" subdivision.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a further modification to the established "D" (Urban Protected Residential – One and Two Family, etc.) District zoning for property located at 1016 Upper Paradise Road in the Tiffany Park draft approved plan of subdivision (see Appendix "A").

The effect of the By-law is to permit the construction of single family dwellings on interior lots with the attached garage to be setback 0.6 m from the side lot line whereas the provisions of the Zoning By-law require 1.2 metres. In addition, the By-law permits a maximum lot coverage of 45% for one storey dwellings whereas the provisions of Zoning By-law No. 98-210 applicable to the subject lands permits a maximum lot coverage of 40% for single family dwellings.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:Proposal

The application is for a further modification to the established "D" (Urban Protected Residential – One and Two Family, etc.) District zoning to permit the construction of single-family dwellings with an attached garage to be setback 0.6 m from the side lot line whereas the provisions of the Zoning By-law require 1.2 metres. In addition, the applicant has requested a maximum lot coverage of 45% for one storey dwellings whereas the provisions of the site specific zoning applicable to the subject lands permits a maximum lot coverage of 40%. The lands are to be developed in accordance with the draft approved plan of subdivision "Tiffany Park".

Subdivision Application 97-08 ("Tiffany Park") and Zoning Application 97-42

City Council, at its meeting of June 30, 1998, approved Subdivision Application 97-08 and Zoning Application 97-42. The purpose of these applications was to permit the development of the subject lands for "innovative housing" in accordance with the Falkirk West Neighbourhood Plan.

APPLICANT:

Effort Trust Company (A. Weisz), prospective owner.

AGENT:

A. Fletcher, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape and have:

- a lot depth of 91.61 m;
- a lot frontage of 137.16 m along Upper Paradise Road; and
- a lot area of 1.1.25 ha

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"D" (Urban Protected Residential – One and Two Family, etc.) District, modified
<u>Surrounding Land Use</u>		
to the north	Condominium Townhouses	"RT-20" (Townhouse – Maisonette) District, modified
to the south	Vacant (Planned one and two family dwellings)	"D" (Urban Protected Residential – One and Two Family, etc.) District, modified
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" Agricultural District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Innovative Housing" in the approved Falkirk West Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Building Division, Community Planning and Development Department has advised of the following:
 - "1. The Building Code does not permit unprotected openings (i.e. windows) in a wall if the exposing face has a side yard of less than 1.2m. The proposed plans do not all reflect this.
 2. The submitted plans must be sited to respect the 6.0 m front yard to the garage; siting to the 3.0 m requirement for the main wall of the dwelling will result in insufficient parking area in front of the garage."
- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and have no comment."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Regional Environment Department verbally advised that they have no objection to the proposed change in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Falkirk West Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the Falkirk West Neighbourhood Plan;
 - ii) it is consistent with planned development in accordance with the "Tiffany Park" subdivision; and,
 - iii) it would be compatible with the abutting and planned residential uses.
3. The variance to the "D" District can be supported in that, by reducing the required side yard setback to 0.60 m for only the attached garage, this will allow for alternative house design in keeping with the innovative housing designation in the

Falkirk West Neighbourhood Plan. The variance will allow for the house to be constructed with the garage door flush with the front wall of the dwelling. The habitable portion of the dwelling will be stepped back to provide a 1.2 m side yard in accordance with the provisions of the Zoning By-law and Building Code.

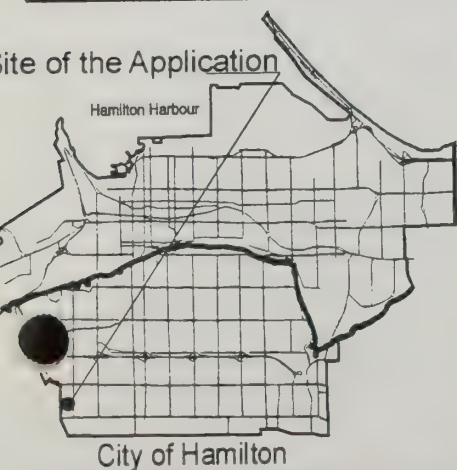
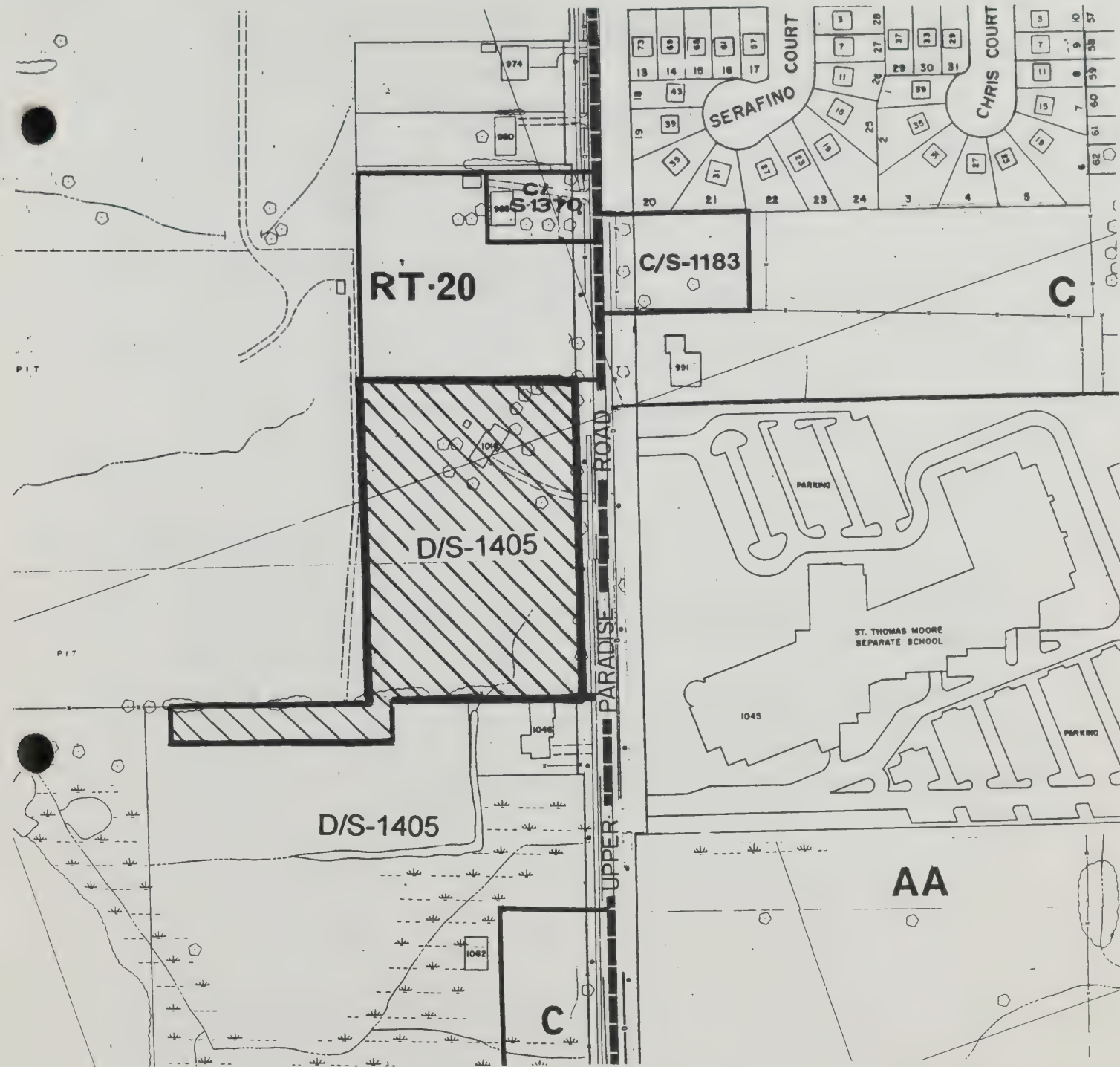
The proposed variance to increase the maximum permitted lot coverage from 40 to 45% of the total lot area can be supported in that the requested variance is for one storey (bungalow) units only. A one-storey dwelling is more land intensive than a two storey dwelling with the same total square footage. Under the normal provisions of the "D" District (i.e. 6.0 m front yard, 7.5 m rear yard, 1.2 m side yard) the building envelope for a 360 m² lot (4,000 sq.ft.) available is 44% of the total lot area. The site specific zoning applicable to the subject lands permits a minimum front yard setback of 3.0 m which, in the absence of any other regulations, would allow for a maximum lot coverage of 52%.

The requested increase in permitted lot coverage from 40% to 45% is consistent with the general intent of the "D" District regulations. In addition, based on the preliminary plans submitted by the applicant, the increased lot coverage for one storey dwellings is consistent with the "Innovative Housing" designation in the Falkirk West Neighbourhood Plan.

4. The proposed side yard variance to the "D" District should be restricted to require a 1.2 metre setback along the flankage yard for corner lots. This is required to minimize potential site line problems for vehicular movement. In addition, where the proposed lots abut another Zoning District, then the standard 1.2 metre side yard setback should also be required.
5. Under the provisions of the Zoning By-law, eaves may project into a required side yard. With the reduction to the required sideyard from 1.2 metres to 0.60 metres, there may be problems with routine maintenance of the dwellings unless maintenance easements are established on the abutting property. This is a standard provision for the "R-4" District which permits a zero-lot line along one side yard. As such, the developer should be required, as part of the City of Hamilton Subdivision Agreement which is required as part of the conditions of draft plan approval for the "Tiffany Park" subdivision, to provide for maintenance easements on the affected lots. The easements can be established by either Consent or Part Lot Control.

CONCLUSION:

Based on the foregoing, the application can be supported.



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of the Application

Reference file:

ZAC-99-03

Scale

Not to Scale

Date

February, 1999

Technician:

B. B.



CITY OF HAMILTON

2.

- RECOMMENDATION -

DATE: 1999 March 11
(P5-2-21)

REPORT TO: Tina Aghello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Central Neighbourhood Plan

RECOMMENDATIONS:

- (a) That the Central Neighbourhood Plan, attached as Appendix "A", be adopted;
- (b) That the projects identified in the Action Chart, to implement the Neighbourhood Plan, be referred to the appropriate Division;
- (c) That if in future Council decides to proceed with implementation of the West Harbourfront Plan the Central Neighbourhood Plan will need to be reviewed; and,
- (d) That the Community Planning and Development Division be directed to undertake a City initiative for the rezonings identified in this report to implement the Neighbourhood Plan.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Community Planning and Development Division has initiated a program to update the neighbourhood plans for certain neighbourhoods in downtown Hamilton. This is the fourth neighbourhood plan to be completed for the downtown neighbourhoods.

The planning process included the formation of a neighbourhood advisory committee from residents of Central Neighbourhood. The committee worked with the staff of the Community Planning and Development Division to prepare the update of the neighbourhood plan. The neighbourhood plan represents the consensus of the citizens committee and staff.

NEIGHBOURHOOD PLAN SYNOPSIS:

1974 Central Neighbourhood Plan

The first neighbourhood plan for Central Neighbourhood was completed in 1974. The key elements of that plan were:

- To eliminate incompatible industrial land uses;
- To provide opportunities for high density residential housing near the downtown; and,
- To redevelop the Civic Square (Jackson Square; Eaton Centre; Farmer's Market; Copps Coliseum).

Many of the elements of that plan have been completed. New initiatives, such as the development of Bayfront and Pier 4 Parks, have meant new opportunities for Central Neighbourhood. Since 1974, the nature of urban development, the economy, and downtown Hamilton has changed. A review and update of the neighbourhood plan was necessary.

1999 Central Neighbourhood Plan

The update of the Central Neighbourhood Plan includes the following elements:

- A smaller geographic area is defined as the "downtown" (Central Business District) area in Central Neighbourhood. This is to promote the infilling of existing vacant areas that are close to the Central Business District.
- Improved connections to the waterfront park system (from Central Neighbourhood to the North End West Neighbourhood).
- Improved visibility of Central Park on Bay and Sheaffe Streets.
- Recognition of the commercial nature of Hess Village and providing better connections between Hess Village and the downtown.
- Policies to promote and strengthen the residential community north of Cannon Street.
- Two Special Policy Areas (1 and 2) that provides opportunities for redevelopment of larger land areas for residential and open space. Special Policy Area 1 is located north of Barton Street and west of Tiffany Street; Special Policy Area 2 is the City owned parking lot at Hess and Napier Streets.

The neighbourhood plan consists of the Land Use Plan, the Plan policies, and the heritage map. These documents are attached as Appendix "A".

PUBLIC PARTICIPATION:

Residents of Central Neighbourhood and staff from the Community Planning and Development Division developed this neighbourhood plan. The plan was circulated to

staff of the City and Region for comments; these comments have been incorporated into the plan.

Two information meetings have been held in June and December of 1998 with the Ward Aldermen, residents of the area, and the neighbourhood association. There was positive feedback for the neighbourhood plan, policies, and implementation strategy. The plan was also sent to CANEW – the neighbourhood association. CANEW's President, Helen Kirkpatrick, submitted a letter from the Association outlining specific changes. These changes have been incorporated into the policies of the neighbourhood plan. One other resident submitted a letter of support for the updated neighbourhood plan. There were no letters or submissions opposing the updated neighbourhood plan.

NEIGHBOURHOOD PLAN IMPLEMENTATION:

Implementation of the revised Central Neighbourhood Plan will be done through a number of projects as well as private sector development. The land use plan will provide guidance to Council and developers on new development in the neighbourhood. In addition, there are a number of projects that need to be reviewed by the City and the Region for implementation of the neighbourhood plan. These projects are listed in the Action Chart that is found with the neighbourhood plan attached to this report. The projects can be grouped into three areas: Streets; Heritage; and Rezoning. Each area is outlined below.

1. Streets

Pedestrian friendly streets are a key component of the neighbourhood plan policies. CANEW, the neighbourhood association for this neighbourhood, is actively promoting pedestrian friendly streets through its work. The neighbourhood plan includes three projects to improve the streets in the neighbourhood:

- a) A review of the intersection of Bay and Mulberry Streets for improved pedestrian access to Central Park. Residents of the eastern portion of the neighbourhood must cross four lanes of traffic to access Central Park; there is no park in the neighbourhood east of Bay Street.
- b) Conversion of some of the neighbourhood streets to two-way streets. The Neighbourhood Association has supported two way streets in downtown Hamilton since its inception. Integrating the results of the Smart Moves study in Central Neighbourhood would address this project within the neighbourhood.
- c) Development of a pedestrian link between Gore Park and the MacNab Street transit area. Currently, pedestrians must use either King Street (in front of the CIBC towers) or cut through the parking lot on the former Robinson's site. Both choices are somewhat hostile to the pedestrian – in one case the pedestrian must avoid cars (the parking lot); in the other case, King Street is very windy in front of the CIBC towers. Developing an improved pedestrian connection would improve the neighbourhood and make pedestrian movement easier.

2. Heritage

- a) A number of properties in Central Neighbourhood are either listed or designated under the Ontario Heritage Act. There are no Heritage Conservation Districts in the Neighbourhood at this point in time. However, some of the streets and buildings may be appropriate for designation as a Heritage Conservation District. Therefore, this should be reviewed by LACAC for creation of Heritage Conservation Districts.
- b) There are a number of churches in Central Neighbourhood and these churches have a variety of zoning districts. Examples are: All Saints Anglican Church ("E-3" zoning); Centenary United ("H1" Zoning); and St. Mary's Church ("D" Zoning). These examples are consistent with what occurs in other Lower City neighbourhoods. The problem with this type of zoning is two-fold: first, it is inconsistent across the City in terms of dealing with the specific use (churches are permitted in any zone as of right) and, second, in Central Neighbourhood in particular, the individual zoning leaves as-of-right development on the sites which is not appropriate for the site (e.g. All Saints Anglican Church). Rather than deal with this a separate rezoning only applicable to Central Neighbourhood, it is recommended that this be part of the comprehensive review of the Zoning By-law that is proposed for the Community Planning and Development Division's work program in 2000.

3. Rezoning to be undertaken as City Initiatives

- a) The updated neighbourhood plan includes land use designations that better reflect the existing neighbourhood and the appropriate form of growth in the future. The existing zoning for certain parcels of land would preclude development in accordance with the updated neighbourhood plan. Accordingly, the following rezoning proposals are suggested as part of the implementation strategy for the neighbourhood plan. Appendix "B" consists of two maps of Central Neighbourhood that outline the areas that are recommended for rezoning. The areas are numbered on the two maps to correspond with the description below.

1. Market Street/Hess Street residential area:

The 1974 Neighbourhood Plan designated this area as "High Density Residential". The area was zoned "E-3" in 1960. Some redevelopment has occurred. However, there are 73 homes that retain the "E-3" zoning yet have remained as single/semis/row houses. All of these homes are listed on the Inventory of Buildings of Architectural/Historical Significance. Retaining the "E-3" zoning is not appropriate given the form of development, the architectural significance, and the fact that redevelopment for high-density housing is not supported in the neighbourhood plan. A rezoning to a "D" district is more appropriate.

2. Hess Village

Hess Village has a number of properties with differing zoning districts. Many of the properties are zoned "E-3" or "E-3" modified (to recognize the commercial uses). Hess Village is not a residential area – it is a commercial conversion area. It is also primarily restaurants and offices – there is very little retail in the Village. The "E-3" zoning does not recognize the main land use nor does it implement the intent of the neighbourhood plan. Further, redevelopment in accordance with the existing zoning would destroy the character of Hess Village.

Development of a commercial conversion zoning district for Hess Village, that recognizes the existing commercial nature of the area, would be appropriate and would help in the long term preservation of the existing buildings, all of which are either listed or designated under the Ontario Heritage Act.

3. Barton/Tiffany Area

This area is identified as Special Policy Area 1 on the neighbourhood plan. The intent of this designation is to recognize that the area does have several existing industrial uses with the prime one being Rheem Canada. However, in the longer term, retaining the area for industrial purposes is not part of the neighbourhood plan. This area is a small pocket of industrial land that has, over the past number of years, been vacated by the industry. The current zoning is "K" which permits the heaviest industrial uses allowed in the City of Hamilton. A rezoning to recognize the existing industrial uses only is more appropriate.

CANEW – the neighbourhood association – has requested a rezoning to a residential district. The "K" modified zoning is more appropriate until land assembly occurs. In addition, there will be noise issues that must be addressed at the time of development for the noise emanating from the main CN line. Soil contamination will also have to be addressed at the time of development.

4. Cannon Street West (north side)

A number of properties fronting on Cannon Street West have an existing "H" zoning. This was done as part of the implementation of the 1974 Central Neighbourhood Plan. The revised neighbourhood plan recommends residential development in this area and not commercial development. Retaining the existing "H" zoning would allow development, as of right, that would not implement the neighbourhood plan. It is recommended that these properties be rezoned to "L-mr-2" which is a holding zone for future multiple residential housing.

5. Cannon Street West (south side)

The same concerns arise on the south side of Cannon Street regarding the zoning. However, in this area, the zoning is "L-c" which is a holding zone for future commercial development. A rezoning to "L-mr-2" is more in keeping with the intent of the neighbourhood plan.

The above implementation projects will address a number of issues that arose during the preparation of the neighbourhood plan. These projects will also ensure that development in the neighbourhood occurs in accordance with the neighbourhood plan.

COMMENTS:

1. The updated Central Neighbourhood Plan represents appropriate planning for the neighbourhood. The updated plan provides a balance of intense commercial development with quality residential areas and appropriate buffering in between the two. The plan builds on the previous plan in terms of strengthening this neighbourhood and retains housing in close proximity to the downtown.
2. The implementation projects are the details that will ensure that the plan is implemented, as much as is currently possible. The projects will provide some enhanced public spaces in the neighbourhood as well as provide some certainty for existing residential areas.
3. For the information of the Committee, most residents expressed concerns that the proposed Perimeter Road could have serious impacts on the residential community in Central neighbourhood. The neighbourhood plan contains policies that will initiate both a public review of any route for the Perimeter Road with residents of the neighbourhood as well as a review of the neighbourhood plan to address neighbourhood impacts.
4. A portion of Central Neighbourhood is within the West Harbourfront Study Area (the northwest portion of the neighbourhood). At this time, the West Harbourfront Study has received Council approval in principle; further work is required once funding is secured for the project. There are several features of the neighbourhood that were not included in the West Harbourfront Study (such as the residential community; the heritage features of the neighbourhood). These elements should be reviewed in concert with the neighbourhood plan when Council decides to proceed with the West Harbourfront plan.
5. Once Council adopts the plan and implementation strategy, staff will report back on the details of the implementation strategy. Insofar as the rezonings are concerned, the Planning Act requires further public meetings of the Planning and Development Committee for these proposals. The process for rezonings under the Planning Act would be applicable to these rezonings.

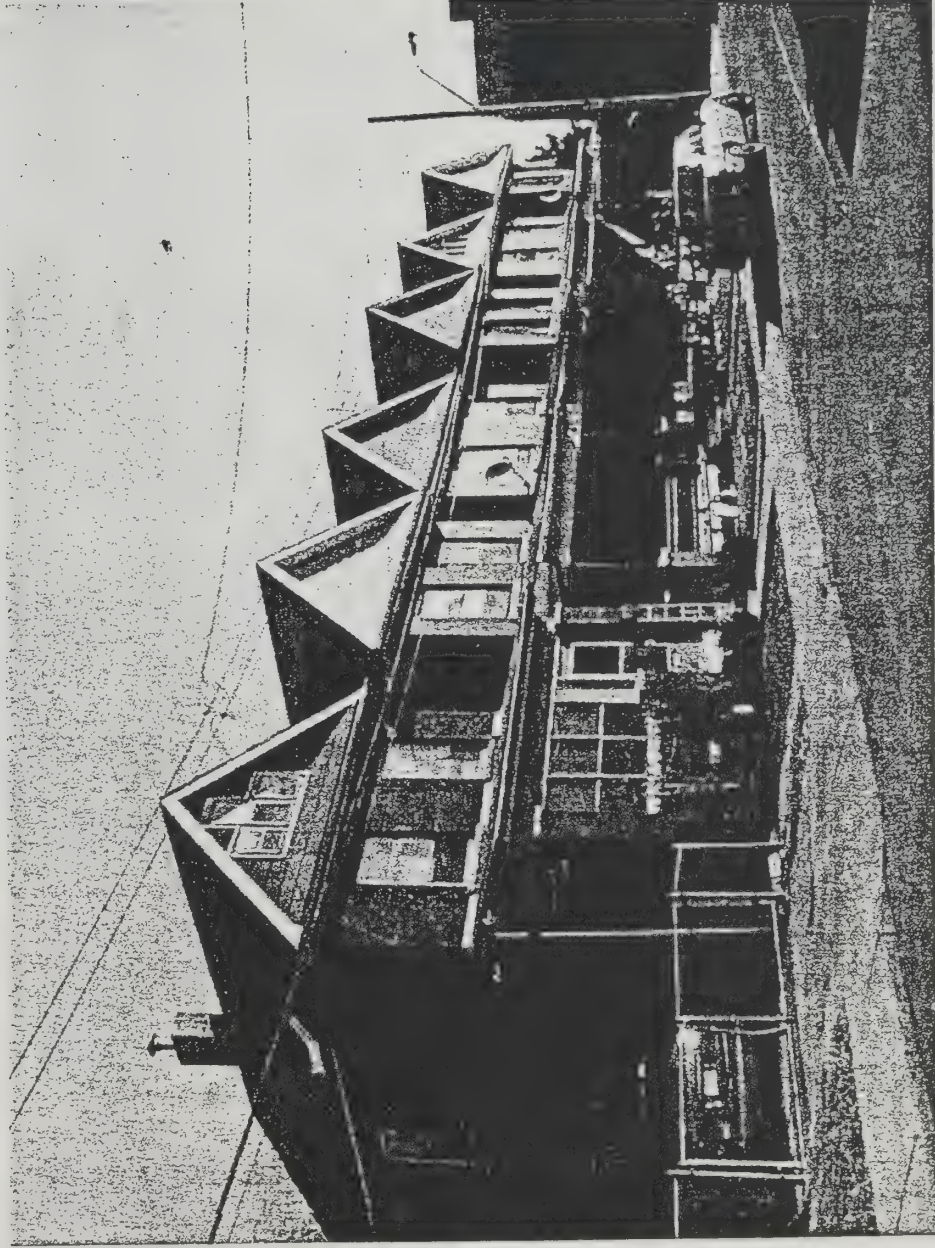
CONCLUSION:

On the basis of the foregoing, it is recommended that the updated neighbourhood plan, the policies, and the implementation strategy be adopted.

MLT/

APPENDIX “A”

CENTRAL NEIGHBOURHOOD PLAN



Community Planning and Development Division
February 1999

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PART 1: INTRODUCTION

LOCATION

Central Neighbourhood, as it exists today, is shown on Map No.

1. Central Neighbourhood is one of six neighbourhoods that make up the city centre in Hamilton. It is located west of James Street, north of Main Street, east of Queen Street, and south of the main Canadian National Railway tracks.

PLANNING IN CENTRAL NEIGHBOURHOOD

The first Central Neighbourhood Plan, completed in 1974, established a vision for Central Neighbourhood that promoted the reduction and elimination of incompatible land uses (chiefly industrial uses); the redevelopment of portions of the neighbourhood for high density residential housing; and the redevelopment of portions of the Central Business District for commercial purposes. Changes to the neighbourhood since that Plan was adopted have seen the principles of the Plan implemented in part: higher density housing has been built south of Cannon Street; there are fewer industrial uses and incompatible land uses in the neighbourhood; and the Civic Square complex redevelopment has been completed.

Central Neighbourhood, today, is a mix of types and densities of land uses. Currently, the southeast corner of the neighbourhood is part of the Central Business District of the City of Hamilton but some of the land designated within the Central Business District

has not been developed. Portions of the neighbourhood that were designated for redevelopment for higher density housing remain in their original land use or are currently vacant.

Opportunities have also been presented for Central Neighbourhood. It lies in close proximity to the Waterfront Park system recently developed by the City of Hamilton (Bayfront and Pier 4 Parks). Enhancing the connections to the waterfront park system is an opportunity for Central Neighbourhood. Rethinking the boundaries of the Central Business District and the focus on the downtown are also opportunities to enhance the livability and linkages in Central Neighbourhood.

Between the Central Business District and the Waterfront Park System lies the historic residential area of the neighbourhood with schools and churches at its centre. And it is the heart of the community. It is a goal of this plan to support and enhance the viability of the residential community in Central Neighbourhood.

The Central Neighbourhood Plan Update recognizes the opportunities and strengths. One of the goals of this neighbourhood plan is to link Central Neighbourhood with other opportunities. To achieve this, the following statement summarizes the goal of the Central Neighbourhood Plan: "People recreate at the waterfront, work in the south end (downtown), and live in the middle."

PURPOSE OF THE CENTRAL NEIGHBOURHOOD PLAN

The purpose of the 1999 Central Neighbourhood Plan Update is to establish future directions for the development and growth of Central Neighbourhood, to provide direction for the provision of community services such as parks, and to enhance the community for residents of Central Neighbourhood.

PLAN ORGANIZATION

General policy guidance on planning matters is found within the City's Official Plan. The specific details of land use and design guidelines are found within the Zoning By-law for any given property within the neighbourhood. The neighbourhood plan is a bridge between the Official Plan and the Zoning By-law; it is intended to address issues specific to a smaller area than the entire City. The Central Neighbourhood Plan addresses issues and development that are specific to Central Neighbourhood; it is intended that the Central Neighbourhood Plan will establish the framework for the future growth of the neighbourhood.

Neighbourhood plans are not static documents; neighbourhood plans need to evolve as the needs of the community at the neighbourhood level, and in the broader City context, evolve. It is intended that the principles contained within the Central Neighbourhood Plan establish the foundation on which the future growth and evolution of Central Neighbourhood can be based.

ACKNOWLEDGEMENTS

The 1999 Central Neighbourhood Plan was created through the collaborative efforts of Hamilton City Council, residents of Central Neighbourhood, and staff of the Planning and Development Department, City of Hamilton. The contribution and efforts of these individuals are found in the future goals and directions for Central Neighbourhood; the plan's strengths lie in the efforts of these individuals.

PART II: PLANNING PROCESS

NEIGHBOURHOOD PLANNING IN DEVELOPED NEIGHBOURHOODS

The City of Hamilton has had a long-standing program for the development of neighbourhood plans. Neighbourhoods are separated into two categories for the purposes of neighbourhood planning: developed neighbourhoods and undeveloped neighbourhoods. Central Neighbourhood is a developed neighbourhood in that the majority of the neighbourhood is built and consists of roads, buildings, parks schools, businesses, etc. Neighbourhood planning in developed neighbourhoods begins with the formation of an advisory committee appointed by Council to discuss neighbourhood issues and planning issues. With the work of a staff planner from the Planning and Development Department, the neighbourhood plan is developed. Through consultation with the public and other staff members in both the City and Region, the neighbourhood plan is revised and ultimately presented to Hamilton City Council for adoption. The neighbourhood plan forms the basis for implementing the identified actions; it is also used to evaluate proposals for new development and redevelopment.

CENTRAL NEIGHBOURHOOD PLAN ADVISORY COMMITTEE

Residents and business owners in Central Neighbourhood were appointed by Hamilton City Council to a Joint Central/Beasley Neighbourhood Advisory Committee. Approximately one dozen

information meetings were held with the Committee members to discuss various neighbourhood issues. When the information meetings concluded, the two groups (Central and Beasley) broke into separate groups to work on the development of the draft neighbourhood plan. Four meetings of the Central Advisory Committee were held to formulate the Central Neighbourhood Plan Update.

The citizen members of the Central Advisory Committee were:

HELEN KIRKPATRICK	FRED VERMEULEN
JANE RIGBY	ANN VAUGEONIS
TOM BAKER	CATHARINA JAGER
PAUL RIGBY	NELLO VIOLIN
DARYL BENDER	

The staff planner who worked with the Committee members was Mary Lou Tanner.

The new Central Neighbourhood Plan was circulated to various Departments in the City of Hamilton and the Region of Hamilton-Wentworth for their comments. The Neighbourhood Plan was then revised; the neighbourhood plan incorporates the comments of the Departments. The goals of the Plan have not changed.

of this Plan has been a priority for the Association from the beginning.

CENTRAL NEIGHBOURHOOD BACKGROUND INFORMATION REPORT

The Planning and Development Department published a background information report on Central Neighbourhood. This report contains the information on population trends, housing, economic base, schools, heritage resources, and planning. The background information report can be used in conjunction with this Neighbourhood Plan to provide a picture of the past and future of Central Neighbourhood.

CANEW – CENTRAL AND NORTH END WEST NEIGHBOURHOOD ASSOCIATION

For a number of years, residents of the Central and North End West Neighbourhoods have organized around various issues that affected them. These issues include park improvements, pollution control, and unplanned development. Early in 1997, a number of residents decided that a permanent neighbourhood association should be established and approached the city for assistance. In mid 1997, a constitution was finalized and an interim executive elected. Monthly public educational meetings are held to inform and organize all residents. Action committees have been established: built environment (historical preservation); people-friendly streets; and pollution. This association was founded with the expressed purpose to promote and encourage participation in the affairs of the neighbourhood in order to add to the quality of life. In September 1998 CANEW celebrated its first anniversary and elected a ten-person executive to coordinate its activities. The completion and implementation

PART III: GOALS

The goals of the 1999 Central Neighbourhood Plan are:

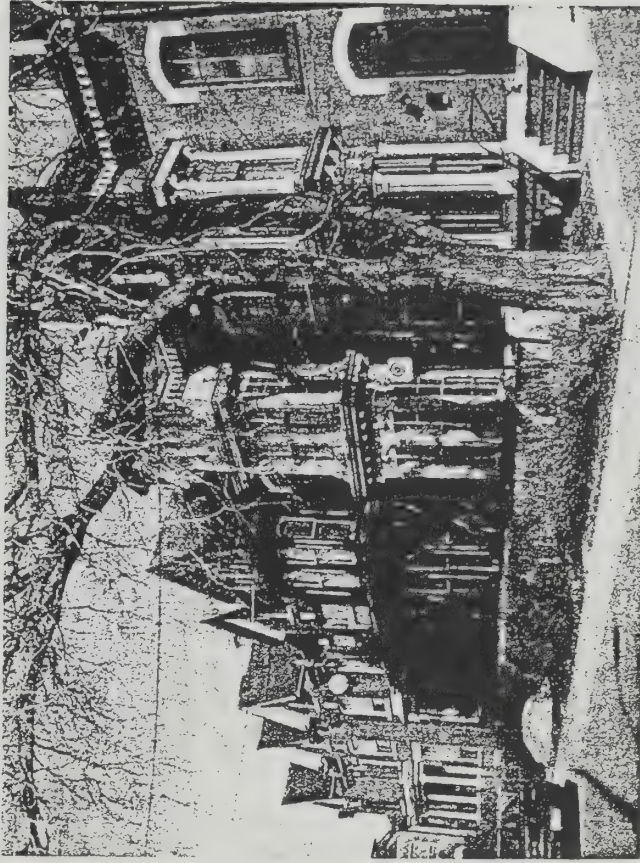
- Conservation and promotion of the heritage buildings and streets in Central Neighbourhood;
- Improving the existing connections to the waterfront park system;
- Supporting and enhancing the viability of the residential community;
- Elimination of incompatible industrial uses;
- Pedestrian oriented streets; and,
- Improved street connections with the Central Business District.

PART IV: LAND USE POLICIES

Map No. 2 identifies the location of the various land uses within Central Neighbourhood. It is to be used to assist in the interpretation of the following land use policies.

RESIDENTIAL

SINGLE AND DOUBLE RESIDENTIAL



Existing single-family residential areas are to be retained in their current form. Infill housing that is consistent with the buildings in

the area is the preferred form of redevelopment. This includes consistent building type; setback; height; and architecture. Maintenance of existing alleys as access to the rear of the low-density residential areas is encouraged.

The Barton Street facility owned by the City of Hamilton (west of Bay Street), when no longer needed for municipal purposes, should be redeveloped for single-family residential, in keeping with the goals of this plan.

LOW-DENSITY APARTMENTS

These areas provide a break between the intense commercial development in the "Central Business District" area and the residential area to the north. New development should incorporate these guidelines:

- Height should be a maximum of three to four storeys.
- Buildings should be constructed close to the street edge to provide a street presence.
- Open space, within the interior of the block, should be provided as courtyards and play space for children.
- Underground parking, with common laneways, should be provided.

MEDIUM DENSITY APARTMENTS

These areas recognize the existing apartment buildings in the area west of Queen Street and south of York Boulevard. No new development of this form is contemplated.

MIXED USE

Mixed Use Areas are identified on Map 2. The intent of these areas is to provide for redevelopment that is primarily residential in the form of apartments (generally to a height of eight storeys). Compatibility of development is important in terms of the surrounding land uses. Within the mixed-use areas, the provision of general commercial and public facilities is a component of the development. Mixed-use developments should contribute to the street in terms of pedestrian access and building design that is focused on the pedestrian at the street level.

COMMERCIAL

Commercial development in Central Neighbourhood is a microcosm of the City as a whole. There is the intense office/commercial/institutional development in the Central Business District; the niche restaurant and bar area of Hess Village; the traditional shopping street of James Street North and King Street West; and small individual commercial developments that provide convenience goods to residents. This Plan includes policies that are intended to strengthen each of these areas; promote their viability; and retain the services for residents of the neighbourhood.

THE CENTRAL BUSINESS DISTRICT

Within Central Neighbourhood, the Central Business District is focused on Jackson Square, Copps Coliseum, the Central Public Library, and the Eaton's Centre. The boundary of this area is to remain within the existing developed area in Central Neighbourhood (i.e. York Boulevard and Bay Street North). The following policies are applicable to this area:

- The existing gaps within the "Central Business District" area (the Royal Bank site, the Board of Education parking lot) should be developed in accordance with the following guidelines:
 - the maximum height should be the same as the Sheraton/Standard Life buildings;

- solar access should be maintained at street level so that the sidewalks are not in shade. This may require terraced upper storeys for the new development;
- new development in the "Central Business District" area should minimize wind effects at street level and wind effect studies may be required for new development;
- above-grade plantings are encouraged to reduce wind and pollution effects;
- a pedestrian link between MacNab Street and James Street, at street level, should be provided as a link between the two public transit areas.
- The street presence of buildings on King Street West should be improved through the following actions:
 - plantings to soften the impact of the buildings, particularly on the south side of the street;

- paving of cross-walks with specialty materials (this should also be provided on James Street at the Royal Bank);

- Pedestrian orientation of the buildings including doors opening to the street and windows at the street level.

Improved access to Jackson Square is a goal of this plan. This includes improved pedestrian access (in the design of access, location, and number of access points) as well as continuation of the existing streets (Park and MacNab Streets) into Jackson Square.

Pedestrian oriented streets are a second goal of this plan. The existing +15 system in downtown provides two connections between buildings in the Central Business District. Other connections have not been built. The +15 system is not in keeping with the pedestrian focus of streets in Central Neighbourhood and should not be implemented in any other locations.

HESS VILLAGE AREA

It is a goal of this plan to link Hess Village to the "Central Business District" (Downtown Core) area and the expansion of the Hess Village area will provide opportunities to establish this linkage. The expanded area of Hess Village would be to the east along George Street. In essence the land on the north and south sides

of George Street, between Queen and Bay Streets, constitutes the expanded Hess Village. The following policies are applicable:



- Land uses include offices, restaurants, and some retail stores.
- Retention of the existing buildings is a priority; commercial use within the existing buildings is the preferred form of development.
- The built form of the existing Hess Village area - converted 2 1/2 storey homes - will be continued in the expansion of Hess Village. The scale, character,

fenestration, cornice line, and setbacks of the existing development in Hess Village will be continued.

- Parking for new development in the expanded Hess Village will be at the rear of the properties with access via alleys.
- Improved linkages between Hess Village and downtown Hamilton should be established through a landscaping plan for King Street West and George Street.
- The existing zoning for Hess Village is high density residential, modified to allow the commercial uses. It would be more appropriate to deal with the use and impact issues through a comprehensive zoning review of Hess Village; this should be undertaken as part of the implementation of the neighbourhood plan.

EXTENDED COMMERCIAL AREAS

These areas are located on the arterial roads within Central Neighbourhood (King Street; sections of Cannon Street; Wilson Street; and York Boulevard). The historical development pattern is street level commercial with residential on the second and third floors. The buildings are individually built yet are in a row form. This form of development is expected to remain; appropriate infill is encouraged in these areas where gaps exist in the built form. Commercial infill on these streets should be consistent with the existing built form in terms of building height,

setbacks from the street, access, architectural style and building materials.

JAMES STREET NORTH



James Street North, north of Cannon Street, is a typical "traditional" retail-shopping street within the City of Hamilton. The buildings on James Street North are two - three storeys in height with ground floor retail commercial and apartments on the upper floors. This commercial area is a neighbourhood focus for community activities including shopping, festivals, and special events. It is intended that the commercial designation will remain with the existing built form to continue. Continuity of the built form is a goal for James Street North and any

redevelopment that occurs needs to contribute to the overall streetscape in terms of building height, setback from the street, architectural style, and building materials.

LOCAL COMMERCIAL

Individual commercial areas, providing services to residents of the neighbourhood, are encouraged in three areas: Cannon at Bay Street; Murray at Bay Street; and Stuart Street. These developments should include land uses such as convenience stores, drug stores, bank machines, dry cleaners, and video stores. The built form should be consistent with the King Street West and Hess Village areas.

PARKING LOTS AND COMMERCIAL PARKING AREAS

Landscaping of parking lots and commercial parking areas will improve the view from the street and the look of the neighbourhood. Lighting that is oriented towards pedestrians is appropriate for parking lots, as is signage that is at a pedestrian level. Signage should reflect the character of the neighbourhood and should not create spillover effects on adjoining properties (from things such as flashing or high intensity lighting).

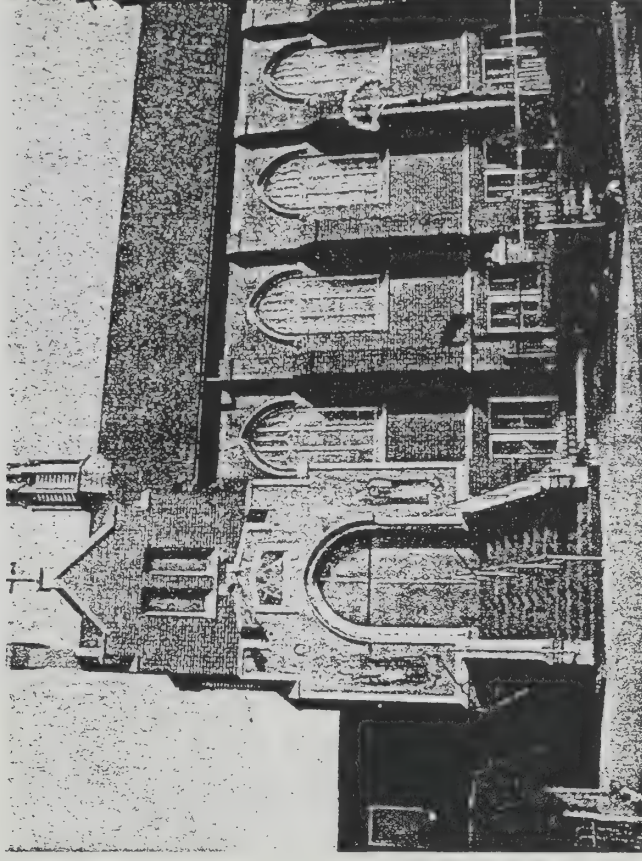
INSTITUTIONAL

SCHOOLS

There are three existing schools within Central Neighbourhood: Sir John A. MacDonald High School (public high school); Hess Street School (public elementary school); and St. Mary's School (separate elementary school). Schools within a neighbourhood provide educational opportunities for residents of the neighbourhood. In addition, the schools are also a focus for community activities. The retention of the existing schools within the neighbourhood is a goal of this plan for the Central Neighbourhood community. Decisions regarding provision of school service are made by the applicable School Board. However, schools are one means of organizing the community and their presence in a neighbourhood is desirable and positive for the community. Accordingly, the neighbourhood plan recognizes the existing schools as Civic and Institutional Uses within the community.

CHURCHES

The existing churches are recognized within the Neighbourhood Plan. It is recommended that a special zoning district, specific for churches, be implemented through the creation of such a district in the Zoning By-law and the rezoning of churches within the City.



PARKS, RECREATION, AND OPEN SPACE

Parks and open space in Central Neighbourhood are provided at Central Park (Bay and Sheaffe Streets). Enhancements to the parks and open space in Central Neighbourhood will be achieved by:

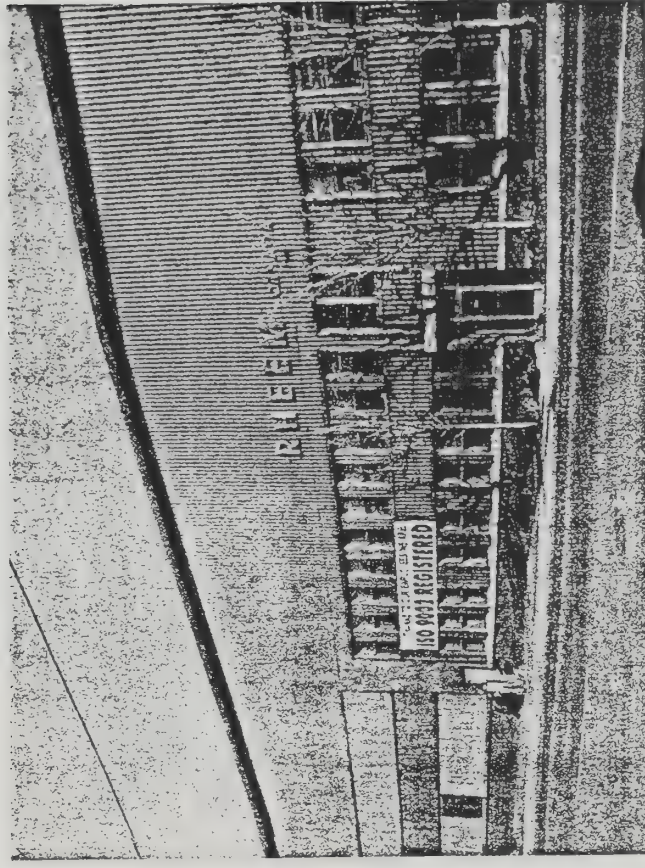
- Improving accessibility to Central Park by improving access at Mulberry and Bay Streets;
- Incorporating the lands of the City Garage (at Bay and Sheaffe Streets) into Central Park when the Garage is no longer required by the Public Works and Traffic Department;
- designating the lands at Queen and Napier Streets (the City owned property) as Special Policy Area 2 (see Special Policy Area section). This will set the future direction for establishing a park south of York Boulevard in Central Neighbourhood; and,
- planting of street trees on the neighbourhood streets.

WEST HARBOURFRONT STUDY AREA

The City of Hamilton completed the West Harbourfront Study in 1995. This study is a long-term development plan for the West Harbour of Lake Ontario. A portion of Central Neighbourhood is within the West Harbourfront Study Area (the northwest portion of the neighbourhood). At this time, the West Harbourfront Study has received Council approval in principle; further work is required once funding is secured for the project. Should the project proceed to funding implementation, a review of the study area within Central Neighbourhood will be required. Until that time, the land use designations on the neighbourhood plan will remain in effect. Consultation with residents and the neighbourhood association must be undertaken prior to the implementation of the West Harbourfront Study in order to ensure that the viability of the residential community in Central Neighbourhood remains.

INDUSTRIAL

Central Neighbourhood, historically, has contained both large and small-scale industrial developments. The large-scale developments are located north of Barton Street and west of Tiffany Street; the smaller scale developments are scattered through the neighbourhood. The original Central Neighbourhood Plan promoted the long-term elimination of industrial uses in Central Neighbourhood. Since that time, some of the large industrial areas are now vacant; other areas have been converted to other uses; and still others remain in industrial use. However, the intent of this plan is to provide for a mixed residentially based neighbourhood north of Cannon Street, connections to Hamilton's waterfront park system at the north end of the neighbourhood, and to eliminate incompatible industrial uses. Accordingly, there are no industrially designated properties in the neighbourhood plan. Those properties that are currently used for industrial purposes will be designated for the long-term use. The existing industrial uses would be non-conforming to the neighbourhood plan.



SPECIAL POLICY AREAS

There are two Special Policy Areas in the Central Neighbourhood Plan. These are sites that will require further study and decisions for reasons outlined below.

SPECIAL POLICY AREA 1

This designation applies to the lands located north Barton Street and west of Tiffany Street. The land use, currently, is a mix of industrial; vacant former industrial lands; commercial; and residential. Since the first Central Neighbourhood Plan was completed, the industrial land uses in this area of the neighbourhood have decreased; the major industrial use left is Rheem Canada. This area of the neighbourhood is an opportunity for redevelopment that is in keeping with the goals of this plan given the transformation that is taking place. The final decision regarding the West Harbourfront Plan will affect this area of Central Neighbourhood, as will the presence of some industrial uses. Therefore, this area will be designated as a Special Policy Area whose land uses will be determined once the West Harbourfront Plan is finalized and the industrial uses cease. The following policies will be applicable:

- the grid street pattern will be retained;
- land use will be "Mixed Use" with residential uses being a primary component;

- open space connections to the waterfront will be provided;
- compatibility of land uses, especially with the adjoining residential areas, will be achieved; and,
- the final determination of land uses will be done through a modified neighbourhood plan review.

SPECIAL POLICY AREA 2

This designation applies to the lands owned by the City of Hamilton and located in the block bounded by Queen Street North; Napier Street; Hess Street North; and Peter Street. The lands are currently used as a municipal parking lot and it is expected that this use will continue. However, at the time that the lands are no longer required for municipal parking purposes, a review of the area is needed to determine long-term land use with the following objectives:

- compatibility with the low-density residential land to the south;
- provision of a small parkette or tot lot for neighbourhood children; and,
- design that is consistent with the area in terms of height, building setback, and architectural design.

TRANSPORTATION

ROAD NETWORK

Within the City of Hamilton, roads are either classified as a Regional road, under the responsibility of the Region of Hamilton-Wentworth, or a Local road, under the responsibility of the City of Hamilton. Central Neighbourhood has a mix of road types. The following are the Regional roads within Central Neighbourhood:

- Main Street (Queen to James Streets);
- James Street (Main Street to the CNR Tracks);
- Queen Street (Barton Street to Main Street);
- Bay Street (Main Street to the CNR Tracks);
- King Street (Queen to James Streets);
- Cannon Street (Queen to James Streets); and,
- York Boulevard (Queen to James Streets).

All other roads are considered to be Local roads.

The following policies apply to the street system in Central Neighbourhood:

- road widenings should not compromise the streetscape or individual buildings;
- two-way streets are preferred;
- pedestrian friendly streets, that are accessible for disabled persons, are preferred;
- reconstruction of streets in the neighbourhood should be designed to include safe cycling on the streets.

PERIMETER INDUSTRIAL ROAD

Central Neighbourhood is one of the neighbourhoods that lie between the Bayfront Industrial Area and Highway 403. Heavy truck traffic travels through Central Neighbourhood to access Highway 403 (Bay Street North is a truck route to Cannon Street/York Boulevard). The Region of Hamilton-Wentworth has proposed the Perimeter Industrial road as a separate roadway to remove the heavy truck traffic from neighbourhood streets. For Central Neighbourhood, this would mean that the road would be developed from James Street to Bay Street, adjacent to the main CN tracks (between Strachan Street and the tracks).

Design of the Perimeter Road must respect the existing homes and built landscape in Central Neighbourhood. This is significant for the area west of Bay Street and north of Cannon Street, which is the residential heart of the community. No final decision has been made on the route nor is there funding to implement this roadway project, at this time. Therefore, the Perimeter Road is

not shown on the land use plan for Central Neighbourhood. Proposals for the Perimeter Road must incorporate consultation with the residents and the Neighbourhood Association, as well as a review of this Plan to ensure that the goals of this plan are retained in the design of any Perimeter Road.

BICYCLE NETWORK

The Region of Hamilton-Wentworth has established a bicycle network. The bicycle network is classified for cyclists use, considering roadway usage and safety. Within Central Neighbourhood, the following roadways are designated for bicycle routes:

SIGNED BICYCLE ROUTE AND BICYCLE LANE:

- Barton Street West
- Napier Street
- Tiffany Street

ON STREET BIKE ROUTE (LOW TRAFFIC VOLUME)

- Hess Street to Napier Street

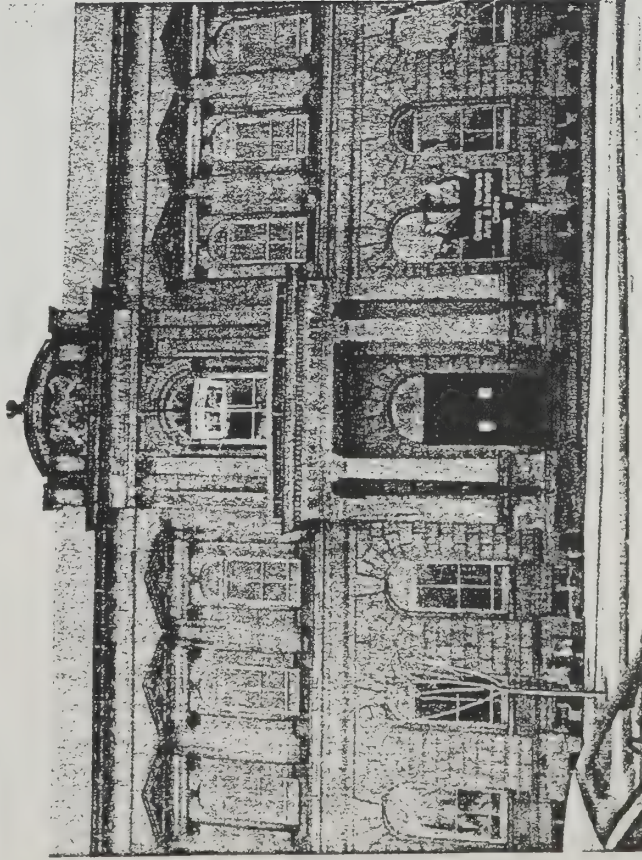
CAUTIONARY ON STREET BIKE ROUTE (MODERATE - HIGH TRAFFIC VOLUMES AND/OR NARROW LANES)

- Main Street/Queen to James King Street/Queen to James

Additional cycling routes should be provided on high-volume streets.

HERITAGE RESOURCES

Retaining the existing heritage buildings in Central Neighbourhood, and promoting additional heritage buildings and streetscapes, is a goal of this plan. Heritage resources should be identified and linkages promoted between unique areas. Map No. 3 identifies the buildings listed and designated under the Ontario Heritage Act. Additional heritage work will include:



- identifying buildings worthy of historical plaques (with LACAC);
- preserving the built heritage and natural landscape of the neighbourhood through the policies of this plan.

- reviewing areas on Map 3 for potential designation as heritage conservation districts;

PART V: IMPLEMENTATION

The Central Neighbourhood Plan will be implemented in two ways. First, the projects identified throughout this plan have been summarized into the attached table, with the implementing Department(s) also identified. The Departments will be responsible for implementing the projects through reports to Hamilton City Council and/or Regional Council.

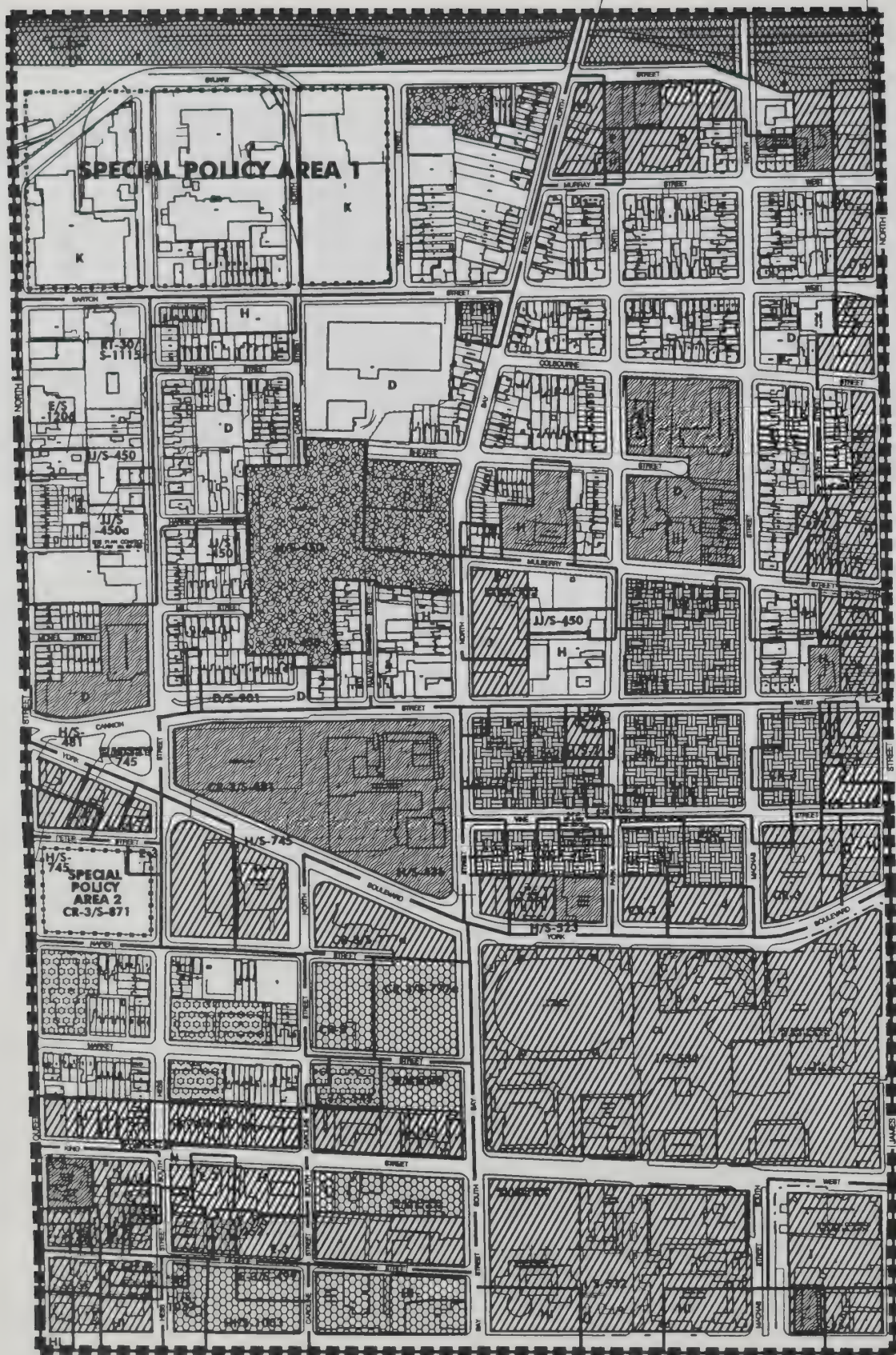
Second, the development from that will occur in Central Neighbourhood will be required to implement the land use policies of the plan. This is done through rezonings and site plan control initiated by private developers. The Planning and Development Department will review the applications to ensure that the goals of the plan are being achieved. Ultimately, Hamilton City Council will ensure that the goals of the plan are implemented in their decisions on development applications.

**CENTRAL NEIGHBOURHOOD PLAN
IMPLEMENTATION ACTIONS**

Category	Project #	Projects/Actions	Timing	Implementors
STREETS				
	C1	Review Bay Street North/Mulberry Street intersection	Short Term	Transportation and Operations
	C2	Implementation of two way streets through the "Smart Moves" Study	Medium Term	Transportation and Operations
	C3	Development of Pedestrian Link between Gore Park and MacNab Street Transit Areas.	Short Term	Transportation and Operations
HERITAGE				
	C4	Review of Central Neighbourhood for Potential Heritage Conservation Districts	Medium Term	LACAC
	C5	Development of a Zoning District for Churches.	Medium Term	Community Planning and Development

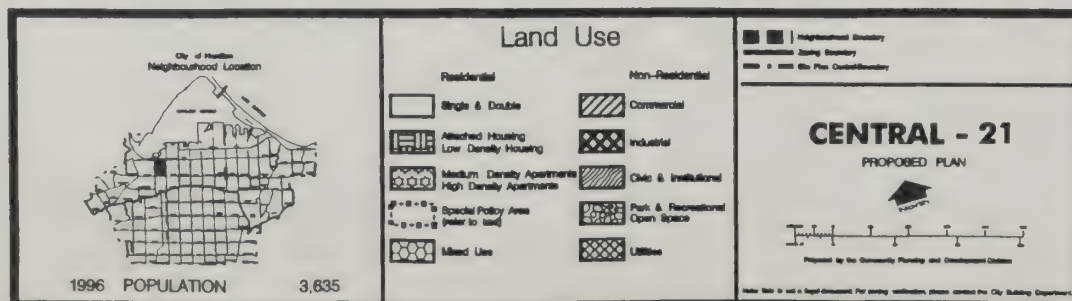
CENTRAL NEIGHBOURHOOD PLAN
IMPLEMENTATION ACTIONS

REZONING				
	C6	Rezoning Proposals - Refer to Staff Report	Short Term	Community Planning and Development

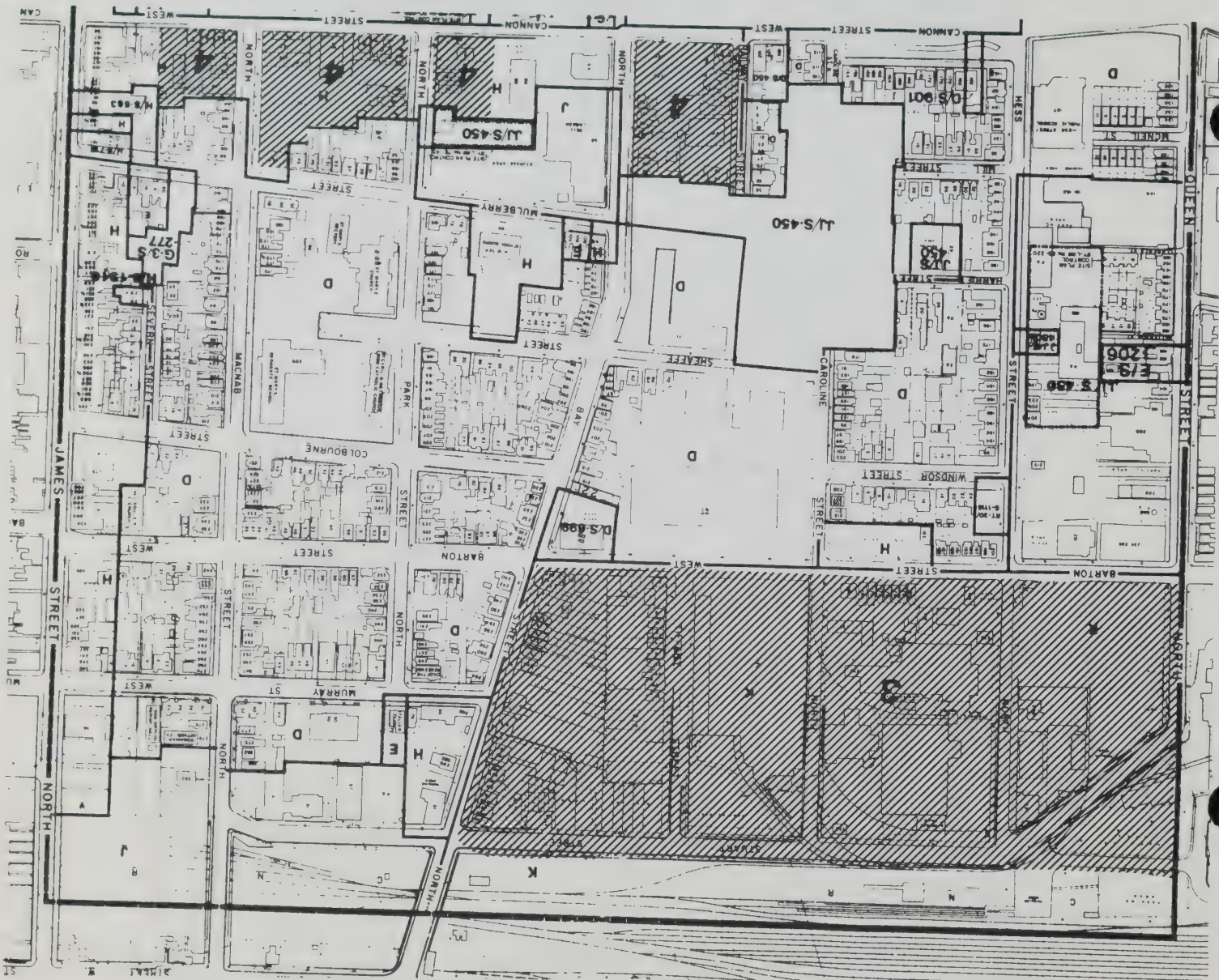


NOTE :
ALL LANDS WITHIN THIS NEIGHBOURHOOD
ARE SUBJECT TO SITE PLAN CONTROL
BY-LAW No. 90-285

MAP 2



APPENDIX “B”



LEGEND:
 REZONING PROPOSAL
 O NUMBERS REFER TO TEXT

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Map 1

CENTRAL NEIGHBOURHOOD PLAN
 REZONING PROPOSAL

Reference file:
 Map 1

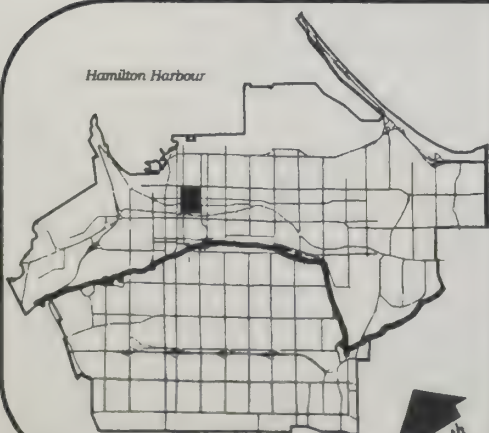
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Date
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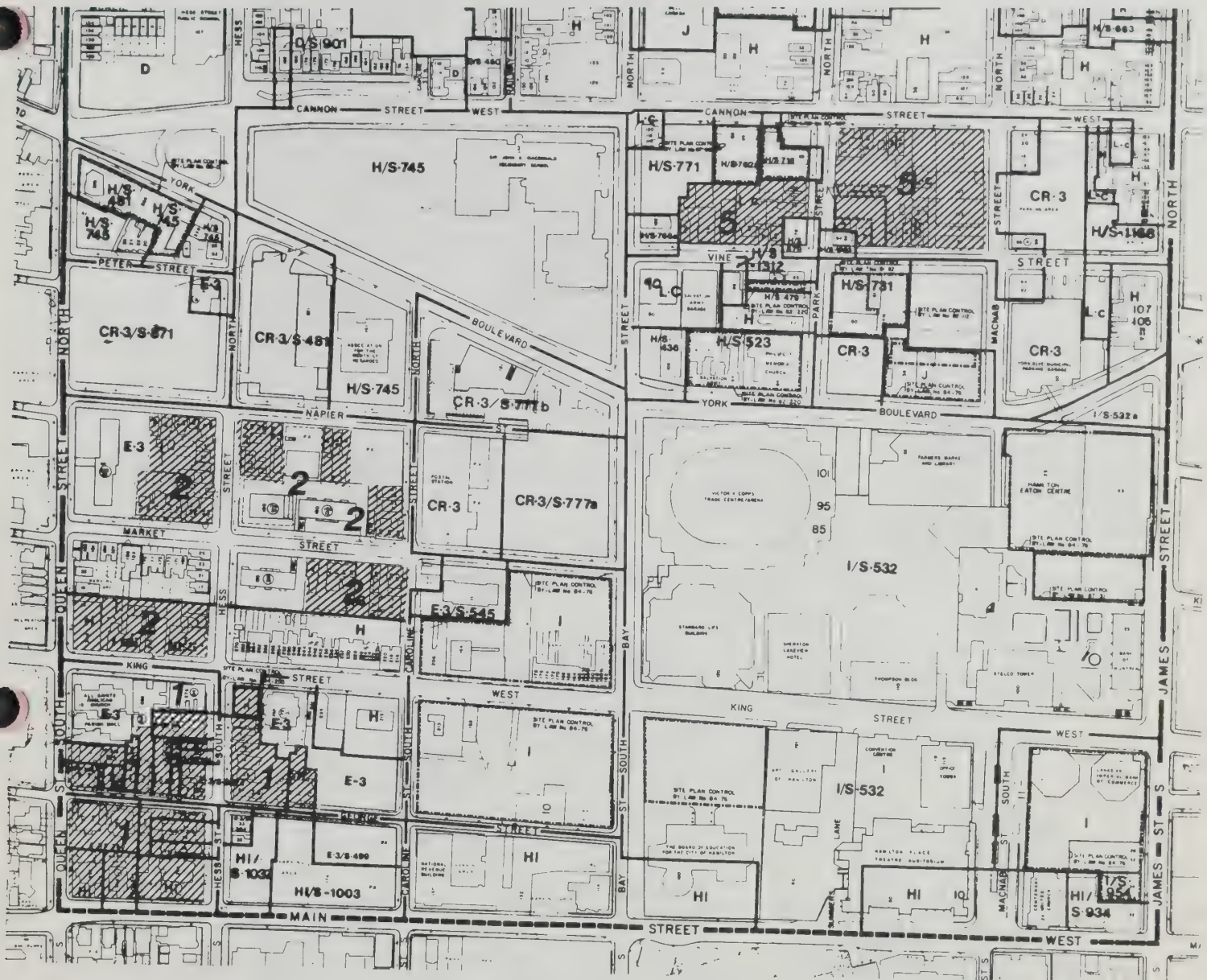
APPENDIX A

Hamilton Harbour



City of Hamilton





LEGEND:
 /// REZONING PROPOSAL
 O NUMBERS REFER TO TEXT



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Map 2 CENTRAL NEIGHBOURHOOD PLAN REZONING PROPOSAL

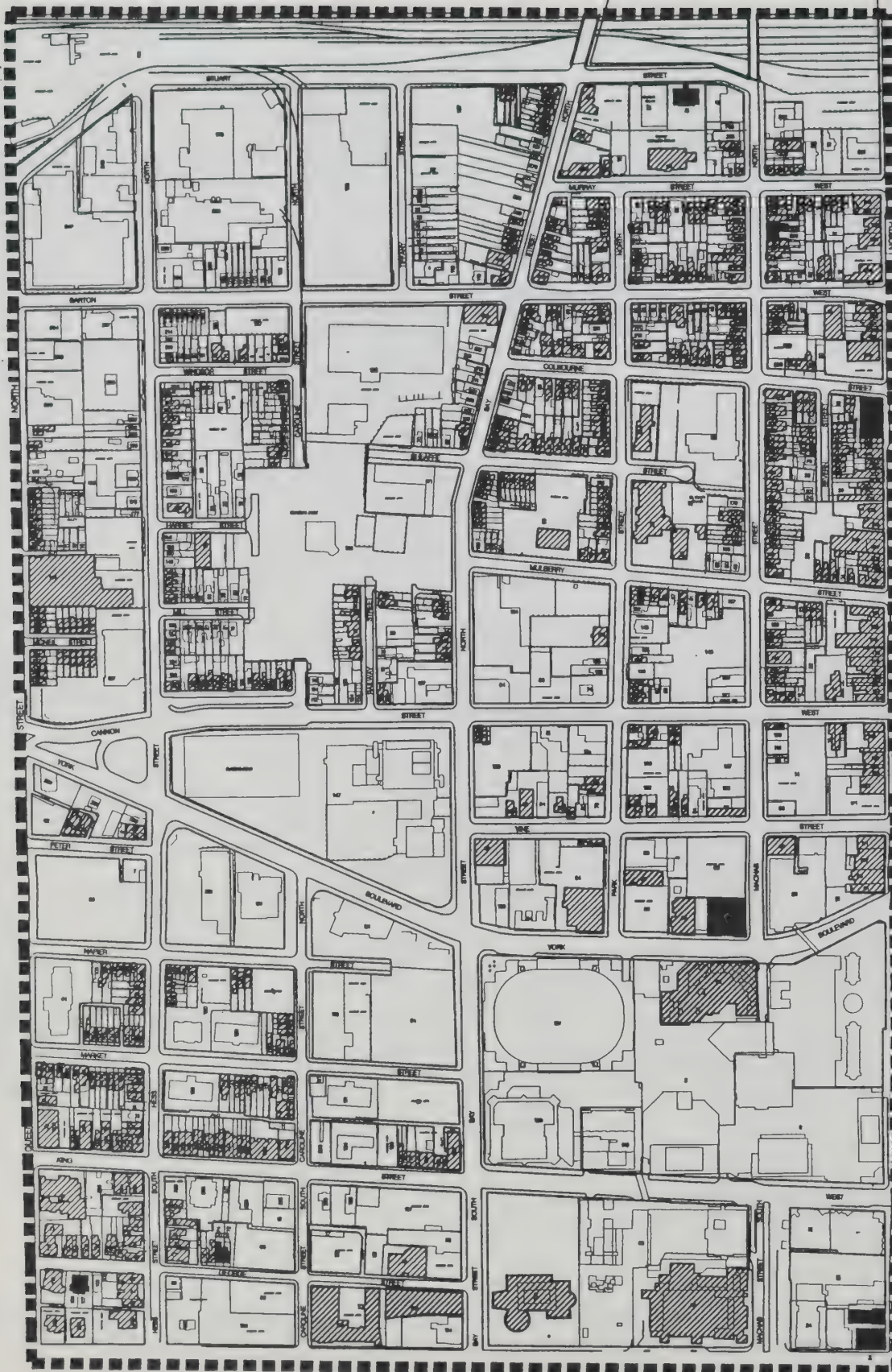
Reference file:
Map 2

Scale
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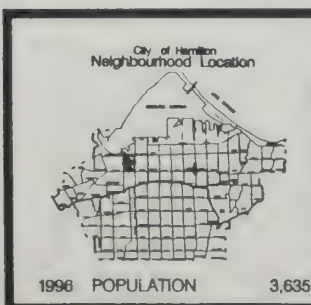
Date
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APPENDIX A



February 1999



Legend

- Properties listed on the Inventory of Buildings of Architectural and/or Historical Interest
- Properties designated under the Ontario Heritage Act
- Building of non heritage value in the heritage streetscape

Neighbourhood Boundary
 Building Boundary
 1:1000 Scale

MAP 3

CENTRAL NEIGHBOURHOOD PLAN UPDATE



Prepared by the Community Planning and Development Division
 Map 3 is not a legal document. For zoning regulations, please consult the City Building Department.

3a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 March 11
(CI 99-A)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Terms of Reference - Study on Land Use Planning Policies for
Residential care facility, short term care facility and correctional
facility

RECOMMENDATION:

That approval be given to the Terms of Reference for the development/refinement of land use planning policies for residential care facilities, short term care facilities and places of detention in the City of Hamilton and the Region of Hamilton-Wentworth, attached as APPENDIX 'A'.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The study will be done by three staff members of the Community Planning and Development Division. Each staff member brings a specific level of expertise to the study team in the areas of policy planning, the zoning by-law and social service planning.

It is estimated a draft report on the land use planning policies will be prepared by the fall of 1999. The total work time is estimated to be nine months of full time equivalents, approximately three months for each planner.

The introduction of this study will impact on the following projects/planning applications:

- the City of Hamilton Official Plan Review will be delayed by three months. As an alternative, the Committee could direct staff to commence the review of the

residential care facilities in June rather than April in order that the Official Plan will not be delayed. This would result in Phases 1 and 2 of the residential care facilities study being completed in January 2000 rather than October 1999.

- there will be a slow down in the processing of City development applications (i.e. site plans, zoning and official plan amendments, subdivisions, will take two weeks longer during the course of the study.
- there will be less time spent, then originally anticipated, on the regional housing policy and programming development study that is to be done in conjunction with the Social Services and Public Health Division.
- there will be less time spent on the McMaster student housing task force and the necessary work that flows from that project; and,
- there will be less time spent on the McMaster University Core Study

BACKGROUND:

City Council, at its meeting of February 9, 1999, directed that:

"...a study in respect of land use planning policies concerning places of detention, short term care facilities and residential care facilities for all the lands located in the City of Hamilton and the region of Hamilton-Wentworth." be undertaken.

Based on that direction, a Terms of Reference has been prepared which is attached as APPENDIX "A", to detail the specifics of the project, the timing, and the staff involved.

TERMS OF REFERENCE

Currently, the zoning by-law and other planning documents permit residential care facilities, short term care facilities, and places of detention provided they abide by certain restrictions (i.e. capacity, location).

The study will review these criteria. Prior to the start of the study, it is important to identify the goals and objectives. In this regard, there are two goals for this study:

1. to provide housing opportunities for special needs groups throughout the Region of Hamilton-Wentworth while balancing the impacts and needs of the communities and the service providers.
2. to allow places of detention to locate within the Region while balancing the impacts and needs of the communities and the service providers.

Listed below are a series of objectives that further refine these goals:

1. to redefine/define the terms residential care facility, short term care facility, places of detention centre/jail, and retirement home.
2. to identify appropriate locations for each of these facilities and housing types;
3. to establish performance standards (i.e. capacity, radial separation distance, etc.) for each of these uses;
4. to prepare, if necessary, appropriate Official Plan policies for the City of Hamilton and/or the Region; and,
5. to identify any other mechanisms that will assist the community and the City/Region in balancing the need for special housing types and places of detention while maintaining the stability of neighbourhoods.

The study will be done in four phases as identified in APPENDIX "A" of the Terms of Reference.

Phase one will include an extensive background study of the issues, the planning legislation, the funding framework and service provision. An important element within this phase is liaising with the various charitable and government agencies that deal with the various components of these facilities.

Phase 2 will identify land use options, including performance standards, etc., for the various facilities. Once this report is prepared, it will be presented to the Planning and Development Committee.

Phase 3 will involve an extensive public participation process in which these land use options will be presented to the public and agencies. Comments on these options will be invited. From the comments received, the land use options will be refined and then presented to Planning and Development Committee and Council for approval.

Phase 4 is the implementation stage where the changes to the Official Plan and the Zoning By-law will occur.

CONCLUSION:

Based on the above, the study can be undertaken. However, as noted in the section on staffing there are impacts on projects and planning applications that are currently underway or will be in the near future.

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TERMS OF REFERENCE

LAND USE PLANNING STUDY FOR RESIDENTIAL CARE FACILITIES, SHORT TERM CARE FACILITIES AND PLACES OF DETENTION STUDY

Hamilton has a diverse population. This diversity results in a variety of housing needs, particularly for those people who have emotional, developmental, psychiatric or physical disabilities. It is the community's challenge to provide for these housing needs. With the passage of time, a range of housing has been developed to respond to these needs. A continuum of housing, from housing with no supports to housing with 24-hour support services has been evolving in response to needs as they emerge.

Land use designations need to be reviewed to assess what changes are needed to accommodate the emerging continuum of housing. Following are examples of questions that generally have not been anticipated in traditional residential land use regulations:

- Is a person living in their own house and receiving personal and home-making support services daily, a residential use of the land, commercial, institutional or other? Would the answer to the above question change:
 - * If the house is rented?
 - * If there are two people receiving services? three? five? ten?
 - * If the service provider lived in the house?
 - * If the services extended beyond personal care and home-making to include professional and medical services?
 - * If the residential setting was an apartment?
- Does the size of the apartment building make a difference?
- What if 10% of an apartment building's units contained residents who required such services? 20%? 50%? 80%? 100%?
- Does it make a difference what type of management model is used to co-ordinate the delivery of services?
- From a land use planning perspective, are the impacts of an on-site coordinator of services different from an on-site property maintenance person? What if services are also provided to people visiting the building?

The focus of this study is three types of housing: residential care, short term care and places of detention and their location in the City of Hamilton and the Regional Municipality of Hamilton-Wentworth. These housing types are provided for people who require care and/or support in their daily lives. This need often arises when people have emotional, developmental, psychiatric or physical disabilities. Typical examples of this housing in Hamilton are second level lodging homes, group homes, emergency shelters, and halfway houses.

From a land use planning perspective, what is relevant is how these facilities can better integrate with the communities in which they are located or will locate. Questions to be asked include:

1. What are the impacts from these facilities?
2. What is the optimum size for these facilities?
3. Where should they be located in the community, if at all?
4. What can we learn from past experiences with these facilities?

Why Does the City and the Region need to review planning documents for residential care facilities, short term care facilities and places of detention?

Housing for special needs groups has been evolving and changing over time. There have been a number of housing initiatives in the Regional Municipality of Hamilton-Wentworth, particularly in the City of Hamilton that have made the community more aware of the presence of the diverse range of housing. Residents are concerned about the impact of diverse housing in their neighbourhoods. A review of designations will help to plan for emerging housing and service demands. Following are some examples

1. With the ageing of the baby boom population, we expect the need for a range of facilities to accommodate us as we age
2. As upper levels of government continue the commitment to deinstitutionalization, housing to meet the needs of people who are still living in large residential facilities will be required. An example is the announced closure of the Hamilton Psychiatric Hospital.
3. The restructuring of the social service network drives us to look at the appropriate locations for delivering services. The location of a federal halfway house with support services for parolees is a case in point.

The last comprehensive review of the City of Hamilton Planning documents occurred in the late 1970's/early 1980's. The Regional Municipality of Hamilton-

Wentworth last updated its housing statement in 1995. Section B, "Providing Housing for People with Low Incomes and Special Needs" studies the continuum of housing options from a Regional perspective. One of its recommendations is for the Area Municipalities to undertake a review of their existing zoning by-laws and identify any restrictions on the development of supportive housing environments that are not justified by significant public health or safety concerns.

With the changing social needs, the review of the land use designations of residential care, short term care and places of detention is timely.

Who provided the Direction for this study?

The Planning and Development Committee and City Council have requested three planning reviews be undertaken:

- On September 30, 1997, City Council passed the following resolution:

"Whereas there are approximately twenty-five residential care facilities currently located within the Stinson Neighbourhood, many of which are legal non-conforming uses, having been established prior to the existing zoning by-law; and,

Whereas there would only be about six such facilities in Stinson if the required distance separation of 180 m was strictly adhered to, the entire neighbourhood is saturated with such uses, except for a small area near the south-east corner of Stinson; and,

Whereas the number and concentration of such care facilities is a concern to residents in the Stinson Neighbourhood; and,

Therefore, be it resolved that a zoning by-law amendment be undertaken to prohibit residential care facilities in the portion of the Stinson Neighbourhood in which they are presently permitted, namely lands in the vicinity of Alanson Street and the south end of Erie Avenue, and that the various Departments of City Hall be particularly sensitive to this matter and that the rules and regulations pertaining to "non-conforming uses" in the Stinson Neighbourhood be strictly adhered to."

- On December 2, 1998, the Planning and Development Committee directed staff

"to review the radial separation distance requirement for residential care facilities and short term care facilities" and,

"to review the possibility of deleting detention centres as permitted uses in the "H" Districts."

- On February 9, 1999, City Council directed that:

"...a study in respect of land use planning policies concerning places of detention, short term care facilities and residential care facilities for all the lands located in the City of Hamilton and the region of Hamilton-Wentworth." be undertaken.

These directions will be combined in one study.

What are the Goals and Objectives of the study?

There are *two* goals in this study:

1. to provide transitional and long term housing opportunities for special needs groups throughout the Region of Hamilton-Wentworth while balancing the impacts and needs of the communities and the service providers.
2. to allow places of detention to locate within the Region while balancing the impacts and needs of the communities and the service providers.

Within these goals are *several* objectives that are important:

1. to redefine/define the terms residential care facility, short term care facility, detention centre/jail, and retirement home.
2. to identify appropriate locations for each of these facilities and housing types;
3. to establish performance standards (i.e. capacity, radial separation distance, etc.) for each of these uses;
4. to prepare, if necessary, appropriate Official Plan policies for the City of Hamilton and/or the Region; and,

5. to identify any other mechanisms that will assist the community and the City/Region in balancing the need for special housing types and places of detention while maintaining the stability of neighbourhoods.

How will the Study be done?

The study will be done in four phases. Appendix "A-1" provides a breakdown of the work to be completed in each phase as well as the time frames allocated for each.

Phase 1:

It is recognised the issues of residential care facilities, short term care facilities and places of detention is complicated as there are a number of government departments/ministries and social service agencies involved in licensing and funding these facilities. These people are important resources who will be able to provide the study team with invaluable information. A resource group will be organised to support this phase of the process. The resource group will be composed of representatives from the provincial Ministries of Health, Community and Social Services, Corrections Canada and local service providers. This group will facilitate the identification of existing facilities and services, planned directions in service provision and emerging community needs.

At the same time, background work will begin on detailing the existing policy framework in the city and area municipal zoning by-laws and OP; detailing provincial and federal programming in these areas; classification, location and capacities of existing facilities; survey of other similar size municipalities; in addition, issues surrounding the provision of social housing opportunities will be identified. Once this background information is collected and synthesised then phase 2 will begin.

Phase 2:

The major component of this phase is to prepare a series of land use options to identify appropriate location, size and other performance standards for each of these facilities.

From a technical perspective, the resource group will provide the initial sounding board for the land use options. These options will be presented to the planning and Development Committee for their review and comment. Once these options are prepared, then phase 3 can begin.

Phase 3:

This phase will require extensive public participation through the use of workshops, open houses, presentations and other public forums.

The public will include the stakeholder resource group, neighbourhood associations, business groups, special interest groups, etc. Comments on the land use options will be requested.

Phase 4:

This phase will involve the refinement and the selection of the preferred land use option. Official Plan amendments (if necessary) and zoning by-law amendments will be prepared to implement the selected land use option.

Who will be doing the Study?

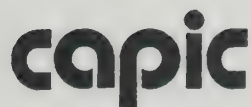
Three staff members of the Community Planning and Development Division will do the study. Each staff member brings a specific level of expertise to the study team in the areas of policy planning, the zoning by-law and social service planning.

What is the Timing of the Study?

It is estimated a draft report (end of phase 2) will be prepared for the fall of 1999. The total work time is estimated to be nine months of full time equivalents, approximately three months for each planner.

JHE

[illegible]



36)

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**a Subcommittee of the Planning and Development Committee**

c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

DATE: 1999 March 3
TC-CAP(C)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mary M. Pocius
Chairperson
Central Area Plan Implementation Committee

SUBJECT: CAPIC Support for Proposed Review of
Social Service Facilities

RECOMMENDATIONS:

- a) That CAPIC request the Planning and Development Committee to direct staff to undertake a Social Service Plan for the City of Hamilton, as part of the review of planning policies related to the Hamilton Community Correctional Centre; and,
- b) That if a full-scale social service plan cannot be undertaken, CAPIC would support the proposed study of land use planning policies regarding places of detention, short-term care facilities and residential care facilities for all lands within the City of Hamilton and the Region.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central Area Plan Implementation Committee (CAPIC) is a sub-committee of the Planning and Development Committee, established primarily to advise on planning-related matters in the Central Area. CAPIC, at its meeting of February 11, 1999, discussed the proposed location of the Hamilton Community Correctional Centre. This facility was to be relocated from 94 York Boulevard to 126 Main Street East, but the relocation is presently under review.

One of the major concerns CAPIC has regarding the proposed correctional facility is the existing burden of care facilities and social services in the downtown and surrounding neighbourhoods. The number of such facilities in Wards 2 and 3 is particularly high. As a result, CAPIC feels that the downtown is not an appropriate

[illegible]



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One of the major concerns CAPIC has regarding the proposed correctional facility is the existing burden of care facilities and social services in the downtown and surrounding neighbourhoods. The number of such facilities in Wards 2 and 3 is particularly high. As a result, CAPIC feels that the downtown is not an appropriate

location for further care facilities and related uses. Directing these elsewhere would help ensure an equitable distribution of facilities throughout the City and Region.

As a result of these discussions, CAPIC recommended at its February 11, 1999 meeting that there should be a Social Service Plan prepared for the City of Hamilton and the Region. This would be an overall plan to identify where all social services and facilities should be located, including proposals such as the community corrections centre. It was requested that this motion be forwarded to the Planning and Development Committee, which is the purpose of this present report.

City Council had discussed the Hamilton Community Correctional Centre at a Committee of the Whole meeting on February 9, 1999, with several recommendations, including the following:

- c) That the General Manager of Community Planning and Development be directed to undertake a study in respect of land use planning policies concerning places of detention, short-term care facilities and residential care facilities for all lands located in the City of Hamilton and the Region of Hamilton-Wentworth.

Planning and Development Department staff are identifying the approach for undertaking this study requested by Council. A terms of reference is being prepared by staff, which is the subject of a separate report.

CAPIC would prefer to see a more thorough plan prepared addressing all types of social services. However, the proposed review will be limited to social service facilities which are residential in nature, including places of detention, short-term care facilities and residential care facilities. This is due in part to the nature of time and resources which can be made available for such a study.

CONCLUSIONS:

CAPIC has indicated support for the preparation of an overall Social Service Plan for the City and Region. However, in the absence of such a study, CAPIC is in support of the proposed study of land use policies regarding places of detention, short-term care facilities and residential care facilities for all lands within the City of Hamilton and the Region of Hamilton-Wentworth.

CITY OF HAMILTON

5

- RECOMMENDATION -

DATE: March 12, 1999

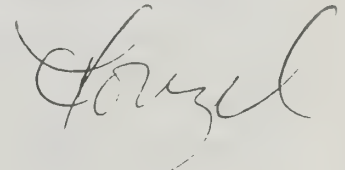
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Hamilton Cemetery Gatehouse, 777 York Boulevard – Designation
under the Ontario Heritage Act

RECOMMENDATION:

- a) That approval be given to the Intent to Designate the Hamilton Cemetery Gatehouse at 777 York Boulevard, as a property of historical and architectural value, pursuant to the provisions of Part IV of the Ontario Heritage Act, 1997, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and,
- b) That the Director of Legal Services and Corporate Counsel be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held March 9, 1998, confirmed the eligibility for designation of the Hamilton Cemetery Gatehouse and directed Staff to prepare the Reasons for Designation.

At its June 8, 1998 meeting, attended by the Manager, Cemeteries Division, the Draft Reasons for Designation were distributed and the designation recommendation approved. Heritage Planning Staff subsequently met on site with the Manager, Cemeteries Division to view the recently completed work on the building: interior renovations and exterior alterations (west facade) to create a barrier-free entrance and to discuss further, the implications of designation.

The former chapel/waiting room (previously used only for storage purposes) had been sensitively renovated to accommodate a public reception area interconnected with the existing office in the former caretaker's residence. As a result of this site visit, it was confirmed that this room, with its high arched ceiling with wood trusses and beams, wood-panelled wainscotting and two large Tudor-arched stained glass windows, was architecturally significant and worthy of inclusion in the Reasons for Designation for this City-owned building.

While the Manager, Cemeteries Division supports the designation of the exterior he does not feel that the chapel interior should be included given his concerns regarding possible restrictions on future alterations to this space. The Committee would like to note however, that the interior designation would apply only to the exterior envelope of the room (i.e. the floor, walls and ceiling).

The attached Reasons for Designation were approved by the Local Architectural Conservation Advisory Committee at its March 8, 1999 meeting.

attached

cc V. Abraham, Director, Planning and Development Department
N. Chapple, Planning and Development Department
D. Lobo, Director, Department of Public Works and Traffic
R. Zbucki, Manager, Cemeteries Division
R. Roszell, Director of Legal Services and Corporate Counsel

Appendix "A"

Hamilton Cemetery Gatehouse 777 York Boulevard

REASONS FOR DESIGNATION

Context

Marking the main entrance to the Hamilton Cemetery, this mid-19th century stone gatehouse is located on the west side of York Boulevard opposite Harvey Park, which abuts the grounds of Dundurn Castle. Situated on the high strip of land between Hamilton Harbour and Cootes Paradise known as Burlington Heights, the Hamilton Cemetery occupies a long irregularly-shaped 100-acre piece of land bounded by York Boulevard, the bluff overlooking Princess Point, and the Strathcona residential neighbourhood to the south. Its extensive landscaped grounds containing a multiplicity of tombstones and monuments as well as an exceptional variety of trees and shrubs create a picturesque parklike setting for the gatehouse. The Hamilton Cemetery is an excellent example of the "garden cemetery", popular throughout North America from the mid-19th to the early 20th century, and characterized by its informal layout, naturally contoured terrain, winding roadways and attractive landscaping of grass, trees and shrubs.

History

The Hamilton Cemetery was the first public cemetery in Hamilton and is claimed to be the first municipally owned and controlled cemetery in Canada. It opened in 1848 on a tract of land acquired from Christ's Church (part of a larger parcel purchased from Sir Allan MacNab in 1847) and was initially named the Burlington Cemetery. The cemetery was progressively enlarged by the acquisition of additional parcels of land, including 24 surveyed lots originally owned by MacNab on the west side of York Street and property owned by the Roman Catholic Episcopal Corporation of Hamilton known as the "Bishop's Field". In 1892 the City assumed control of two burial grounds to the south owned respectively by Christ's Church and Church of the Ascension; with this amalgamation its name was changed to the Hamilton Cemetery.

The gatehouse was erected on a parcel of land in front of the cemetery: lots 10 and 11 purchased by the City from W.H. Dickson in 1854. Identified on the original architectural drawings as the Gate Lodge, this modestly-scaled building was designed to house a "public waiting room" (later referred to as a mortuary chapel) and caretaker's residence. After the last resident superintendent resigned in 1900, the building functioned as an office and chapel. In recent years, it has served as the administrative headquarters for the Hamilton Municipal Cemeteries.

Architecture

The Hamilton Cemetery Gatehouse constitutes one of only two architecturally distinctive 19th century cemetery buildings in the Hamilton area, the other being the 1889 stone mortuary chapel at Holy Sepulchre Cemetery in Burlington (excluding churches with attached burial grounds). It also represents an early example in Ontario (and possibly also Canada) of a building intended to serve one or more functions associated with the operation of a cemetery. Its design is attributed to William Hodgins, an architect/ civil engineer who appears to have prepared the plans in 1854 while employed as the City Engineer. The building was completed some time between 1855 and 1862. Hodgins achieved a masterful adaptation of the Gothic Revival style to a dual-purpose building combining the functions of chapel/waiting room and dwelling. This combination of uses appears to be quite unusual, at least within a Canadian context: cemetery buildings in this country were more often designed to serve a single purpose, such as a mortuary chapel or caretaker's house.

Architecturally, the Hamilton Cemetery Gatehouse is notable for its rock-faced ashlar construction with dressed stone trim, its picturesque silhouette, and its fine Gothic Revival detailing. The dominant buttressed corner tower is now crowned by an intricately carved open stone structure with finials. Designed by architect Gordon Hutton and erected in 1920 to replace the wood spire (as rebuilt in 1904), it was intended to have a copper spire, which was never built. The 1894 bell from the original tower is presently displayed on a stone platform beside the entrance driveway. Also noteworthy are the two original chapel and dwelling entrances with arched wood doors, the windows with Tudor-arched openings and hood mouldings sprung from carved figure heads, the two large chapel windows with stone tracery, and the three circular openings with quatrefoil windows.

A later one-storey stone wing on the north facade, designed by the local architectural firm of Stewart & Witton and added in 1913, is in keeping with the Gothic Revival design of the original building.

The small but imposing chapel interior is distinguished by an arched beamed ceiling supported by wood trusses sprung from wood columns resting on widely projecting plaster brackets, two large traceried leaded glass windows, wood-panelled wainscotting and Tudor-arched wood-panelled doors.

Designated Features

Important to the preservation of the Hamilton Cemetery Gatehouse are the original architectural features of:

- 1) all facades of the original building and 1913 addition, except for the new stuccoed frame wall with a doorway and window on the west facade. Included are the stone masonry walls and chimneys, stone belfry, carved stone details, the slate roofing with round-cut ornamental slates, and the doorways and windows.
- 2) the former chapel/ waiting room interior with its wood trusses, beams, wainscotting, and doorways (including the one originally located at the north end of the west wall but recently moved to create a new doorway linking the chapel and office).

This designation by-law is restricted to the gatehouse building; it does not include any other built or landscape features on the Hamilton Cemetery grounds: i.e. the fencing, roadways, trees, outbuildings, tombstones, monuments, vaults, etc.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, March 24, 1999

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

- i) Minutes of the meeting held March 3, 1999
- ii) Minutes of the Special meeting held March 9, 1999

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1999

C. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

- i) Final Lot Grading and Sodding Contract for Various Subdivisions in Hamilton During 1999.
- ii) 563 Rymal Rd East – Demolition
- iii) Administration Fee for the Clearance of Outstanding Work Orders under By-Law #98-174, Building Permits and Fees
- iv) Administration Fee for the Clearance and Discharge of an Outstanding Registered Order under the Property Standards By-Law 98-243, as Amended

D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION

Commercial Property Improvement Loan Program – Loan Increase, 629 Barton Street East

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CONSENT AGENDA
PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, March 24, 1999

2.

E. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Community Heritage Ontario 1999 Provincial Conference – Authorization for Delegates to Attend

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, March 3, 1999
Room 233, City Hall
9:30 o'clock a.m.

Ai)

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Kelly

Regrets: Alderman B. Charters (Civic Business)

Also present: LeeAnn Coveyduck, General Manager, Community Planning
and Development Division
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development
Department
Art Zuidema Law Office
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Willy Wong, Building Department
Ed Switinky, Public Works and Traffic
Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. **Zoning Application 98-30, by Paletta International Corporation, Owner, for a Change in Zoning from "AA" District to "G-1" District for Lands Located at 1605 Upper Sherman Avenue**

Paul Mallard advised that the application is to request a change from commercial to residential for future development. The proposal is not in keeping with the neighborhood plan. There is an adequate supply of commercially designated lands in the area. It is an undesirable extension of commercial into a residential area. The planning department feels the proposal is also premature. Of the notices circulated 2 replied in favour and 11 were opposed.

Mr. Paletta was present and distributed a presentation to the Committee. He explained that small commercial developments are not profitable, people prefer large ones. He suggested that the neighborhood plan be reviewed because he does not feel it is currently relevant.

Andy Boers of 208 Eleanor Drive was present on behalf of the Eleanor residents. He is opposed to any further commercial development in this area.

Nick Collick of 230 Eleanor Drive concurred.

Sherryl McCloud of 713 Rymal Road stated that she purchased her property based on the fact that future development would be residential.

John Wilkinson of 192 Eleanor Drive was present on behalf of William Scribbins and Elio Piccelli, residents. He stated that they are all opposed to commercial development.

Dorothy Wilmot of 1591 Upper Sherman Road concurred.

Mr. Paletta stated that he has not met with staff regarding the neighbor's concerns.

The Committee concurred that the neighbourhood plan should be supported.

As recommended in a report from the General Manager, Community Planning & Development Division dated February 18, 1999, the Committee recommended to Council as follows:

That the Official Plan Amendment Application, for a redesignation from "Residential" to "Commercial", and Zoning Application ZAC-98-30, Paletta International Corporation, owner, for a change in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "G-1" (Designed Shopping Centre) District, for lands located at 1605 Upper Sherman Avenue, as shown on the attached map as Appendix "A", be denied for the following reasons:

- (a) It conflicts with the intent of the approved Eleanor Neighbourhood Plan, and would jeopardize the approved development pattern, negatively impact on access to the Neighbourhood and the internal roadway pattern, and compromise the orderly development of the Neighbourhood at this location; and,
- (b) There is no demonstrated need for additional commercial development in this area without impacting on the approved Neighbourhood Plan; and,
- (c) There is an adequate supply of existing zoned and/or designated commercial lands in this area to meet the needs of existing and future residents; and,
- (d) It represents an undesirable extension of commercial development into a residential area; and,
- (e) The application is premature in the absence of a Neighbourhood Plan review.

2. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

Condominium Conversion CDM-CONV-98-015, 1211-1215 Fennell Avenue East and 136-146 Princeton Drive

Ms. Hickey-Evans gave a brief presentation. She explained that the proposal complies with the Official Plan and meets all the criteria for vacancy rates for that area. A public meeting was held at which one tenant was present. A survey of the residents has been conducted. The residents have the opportunity to continue renting if they do not wish to purchase.

Ed Fothergill and the applicant were present. He added that as a condition of approval the applicant has applied for a variance from the Committee of Adjustment.

As recommended in a report from the General Manager, Community Planning & Development Division dated February 15, 1999, the Committee recommended to Council as follows:

- (a) That approval be granted to application CDM-CONV-98-015 (Regional File 25CDM-98023) submitted by Ronald Wowk, owner, for a draft plan of condominium for property located at Nos. 1211-1215 Fennell Avenue East and 136-146 Princeton Drive, as shown on the attached map marked as Appendix "B", to provide for a condominium comprised of 9 individual townhouse condominium units, subject to the following conditions:
 - (i) That this approval applies to the draft plan dated November 12, 1998, attached as Appendix "C", prepared by Consoli and Jacobs Surveying Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the Director of Legal Services and Corporate Counsel; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
- (b) That the Municipal Clerk be directed to advise the Director of the Development Division of the Regional Environment Department of Council's decision.

3. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

(i) Meeting held February 17, 1999

The minutes of the meeting held February 17, 1999 were adopted as circulated.

(ii) Special Meeting held February 23, 1999

The minutes of the special meeting held February 23, 1999 were adopted as circulated.

The following recommendations were forwarded to Council for approval:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Downtown Hamilton Business Improvement Area (B.I.A.) – Revised Board of Management, dated February 17, 1999:

- (a) That Schedule 'B' of By-law No. 86-73, as amended, appointing the Downtown Hamilton B.I.A.'s Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

K. Findlay	F. D. Findlay Clothier
A. Peckham	Royal Bank
A. Herpers	Herpers Gowling
R. Harris	Harris and Henderson
J. Livingston	Livingston Furs
R. Titian	Reggie's Music and Sound
K. Wiegand	Right House
R. Sorenson	Sundried Tomatoes
M. McNally	Jesset Investments
R. Letourneau	Just Imagine Printing
D. Bocker	Royal Connaught Hotel
R. Ianuzzi	Canadian Imperial Bank of Commerce
N. Godwin	Nancy Godwin, Barrister & Solicitor
D. Blanchard	Hughson Business Space Corporation
D. Lugowy	Dennis Lugowy, Chartered Accountant

- (b) That the Director of Legal Services and Corporate Counsel, be directed to amend Schedule 'B' of By-law No. 86-73 pursuant to (a) above.

(ii) Concession Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payments for 1999, dated February 17, 1999:

- (a) That the 1999 operating budget for the Concession Street B.I.A., attached hereto as Appendix "D", be approved in the amount of \$12,250; and,
- (b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 1999 be approved:

March 01	\$6,000.00
June 01	\$6,250.00

Note: 1998 assessment appeals may be deducted from the 1999 levy payments.

C. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION**(i) Proposed Niagara Escarpment Plan Amendment – Home Based Businesses, dated February 17, 1999:**

That the City of Hamilton inform the Region of Hamilton-Wentworth, the City does not object to the proposed amendment to the Niagara Escarpment Plan respecting home based business.

(ii) Authorization for Staff Attendance at an Ontario Municipal Board Hearing – 1534 Barton Street East, dated February 16, 1999:

That the appropriate staff (e.g. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-98-202, respecting property located at No. 1534 Barton Street East, as shown on the attached map marked as Appendix "E".

(iii) Request for Extension from Exemption from Part-Lot Control for "Claudette Gardens, Phase 9" Subdivision, dated November 4, 1998:

- (a) That approval be given to the request by A. DiSilvestro, Solicitor for 800064 Ontario Inc. (A. DiSilvestro), Owner, for a 1 year extension from part lot control for the purposes of establishing maintenance easements for Lots 15, 17 – 22, inclusive, 25, 26, 27 30 and 31, Registered Plan 62M-825, "Claudette Gardens, Phase 9", known municipally as 3, 7, 19, 23, 27, 39, 43, 47, 51, 55, 59, and 67 Claudette Gate, as shown on the attached map marked as Appendix "F"; and,
- (b) That the appropriate By-law, to remove part lot control from Lots 15, 17 – 22, inclusive, 25, 26, 27, 30 and 31, Registered Plan 62M-825, "Claudette Gardens, Phase 9", be enacted by Council and that the exempting by-law be restricted to a 1 year effective time period to expire on April 1, 2000.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**Information Items**

The Committee approved the previously received information items as follows:

- (a) Director of Housing re: Commercial Property Improvement Loan Program – Decrease, 524 Barton Street East, dated February 10, 1999
- (b) Commissioner, Public Works and Traffic re: Eleventh Annual Business Development Seminar – October 18, 1999.

4. OTHER BUSINESS

Alderman Haining requested the Committee to approve a demolition permit for 276 Wellington Street North which was denied in October, 1998.

He stated that the Fire department has been called to this property 12 times in the past year and that it is derelict and a hazard.

Willy Wong advised that the property has been vacant for 6 to 7 years.

The owner, Gary Waxman of 9 Stonegate Drive was present. He stated that he wants to develop the property.

The Committee members were concerned that the land may become a parking lot.

After brief discussion the Committee resolved as follows:

That the matter be tabled to a meeting to be held on Tuesday prior to Council with staff direction to prepare a report regarding the possibility of permitting the demolition and concurrently preventing the property from being used as a parking lot.

5. ADJOURNMENT

There being no further business, the meeting then adjourned.

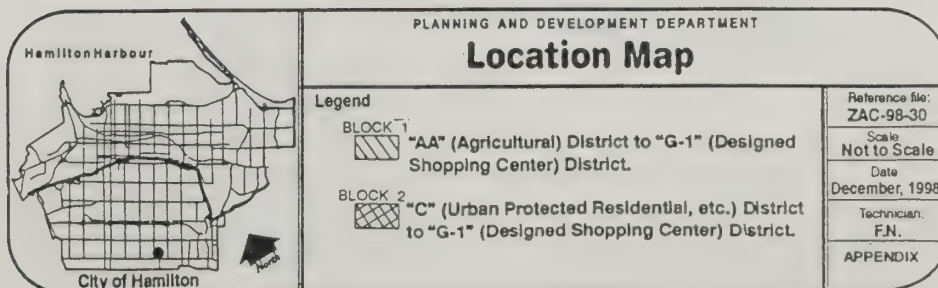
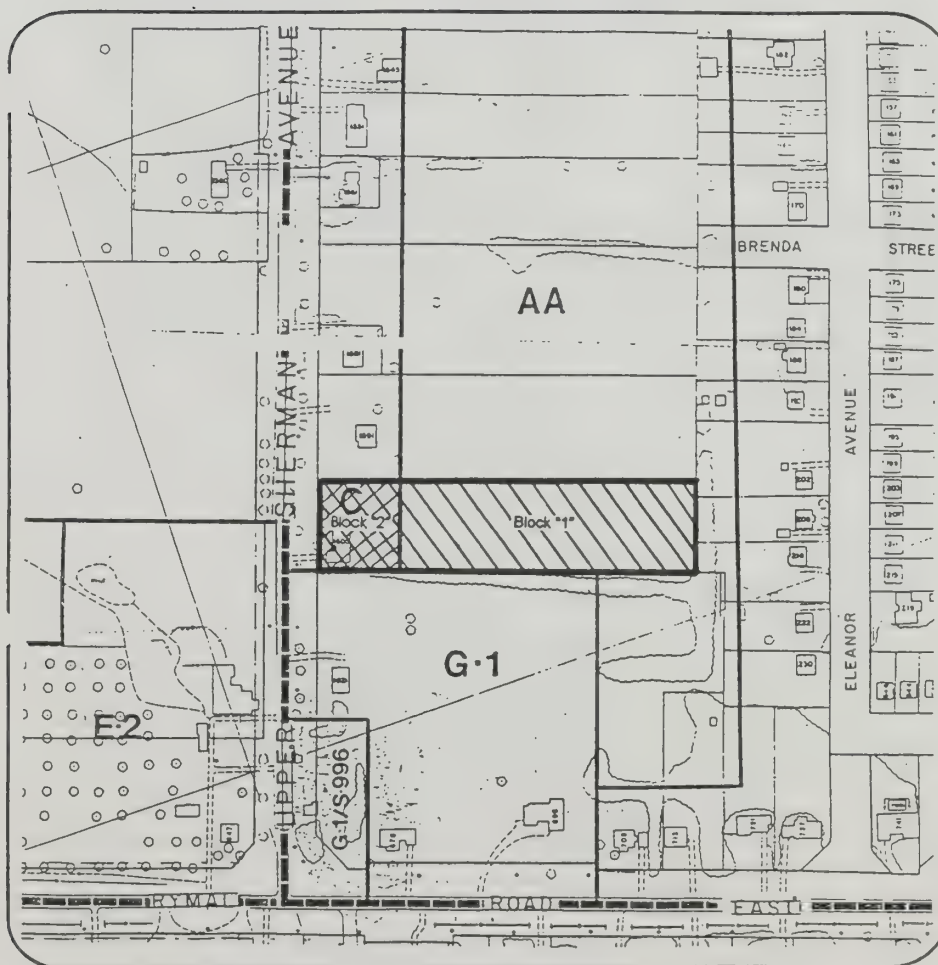
Taken as read and approved.

Alderman F. D'Amico
Chairman
Planning and Development Committee

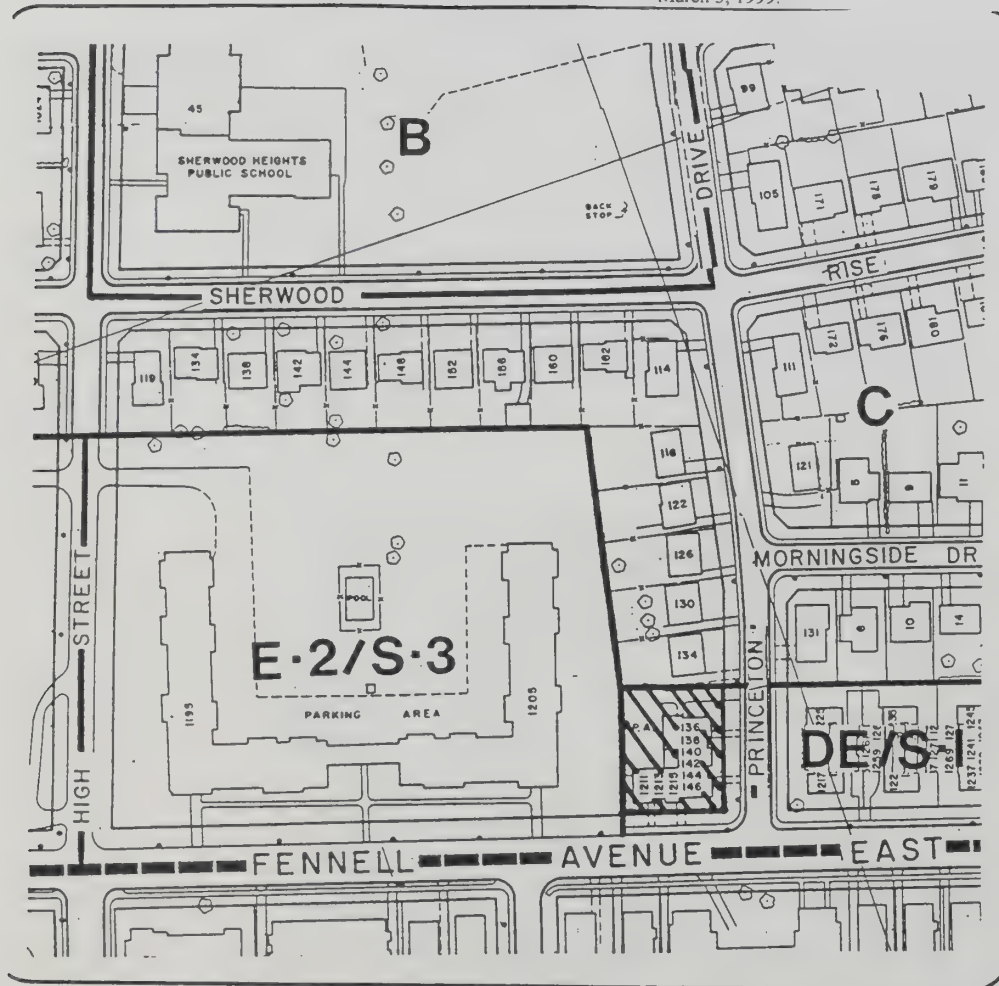
Tina Agnello
Secretary

/jt

Appendix "A" referred
to in Section 1 of the
Planning & Development
Committee Minutes for
March 3, 1999.



Appendix "B" referred
to in Section 2(a) of the
Planning and Development
Committee Minutes for
March 3, 1999.



Site of the Application



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of the Application

Reference file:
COM-CONV-98015

Scale
Not to Scale

Date
January, 1999

Technician

B. B.



March 5, 1999.

DRAFT PLAN OF CONVEYANCE OF
PART OF LOT 3 CONVESSION 4
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WESTWORTH

SECTION A-A TO ILLUSTRATE VERTICAL RELATIONSHIP
(SEE PAGE 1)

REGISTERED PLAN 1187
LOT 50
PLAN 1187-200-0-0-0

KEY PLAN OF THE SITE

SECTION A-A TO ILLUSTRATE VERTICAL RELATIONSHIP
(SEE PAGE 1)

CONVESSION 4

LANDSCAPE

UNIT 1

UNIT 2

UNIT 3

UNIT 4

UNIT 5

UNIT 6

UNIT 7

UNIT 8

UNIT 9

UNIT 10

UNIT 11

UNIT 12

UNIT 13

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Appendix "D" referred
to in Section 3B(ii) of the
Planning and Development
Committee Minutes for
March 3, 1999.

CONCESSION STREET B.I.A. PROPOSED BUDGET FOR 1999

ADVERTISING AND PROMOTION

Installation and storage of Christmas Decorations	\$3,000.
Hydro-Christmas Lights	\$ 850.
Advertising and Promotion and Newsletter	\$6,600.

ADMINISTRATION

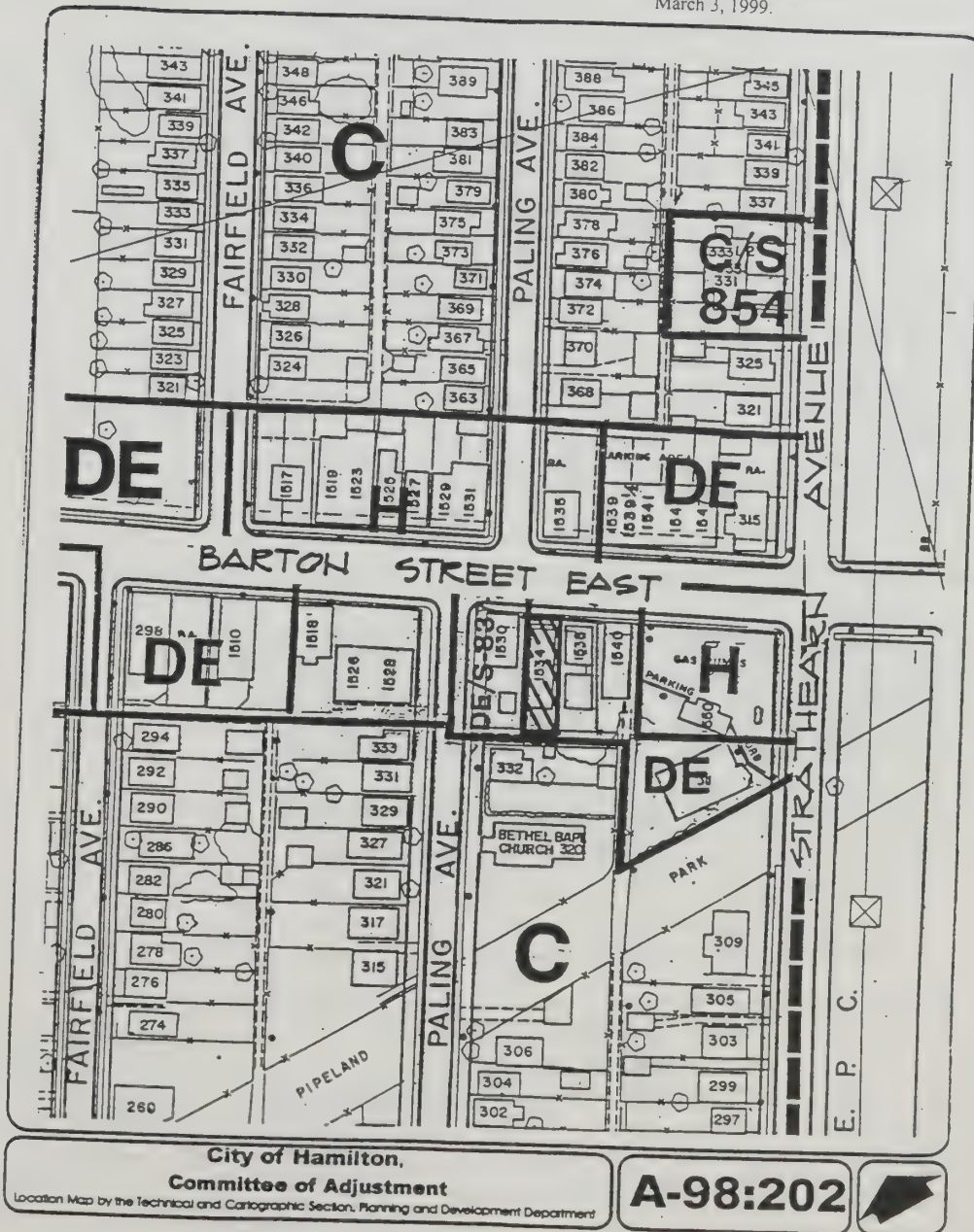
Insurance	\$ 950.
Accounting-Auditor	\$ 350.

OTHER

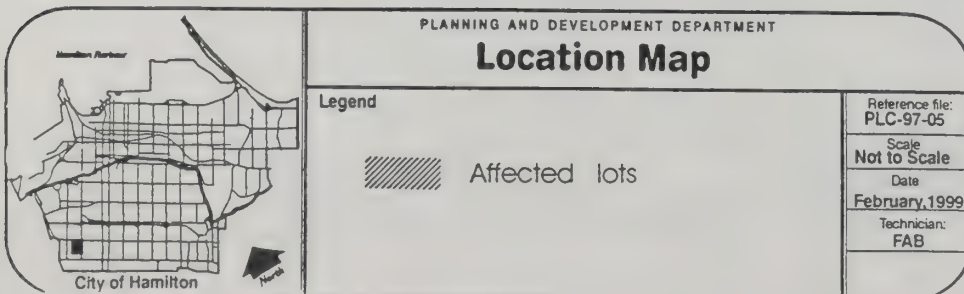
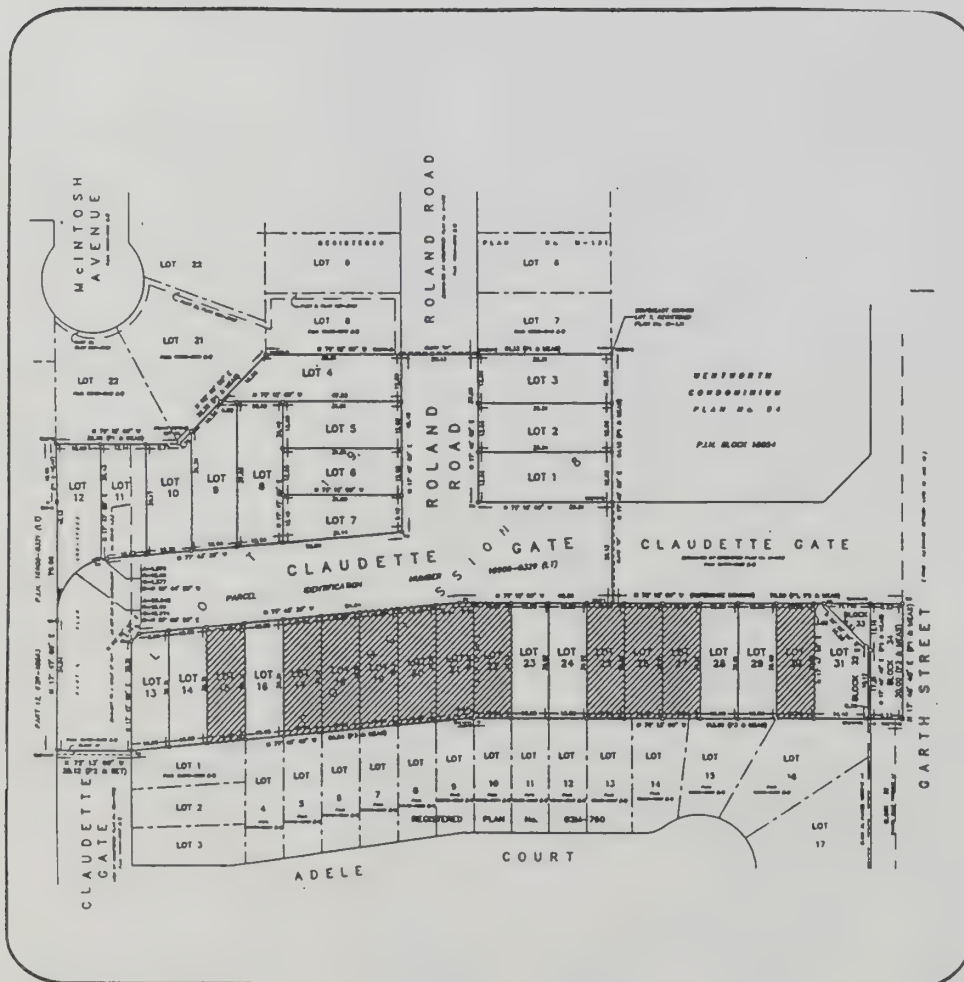
Miscellaneous	\$ 500.
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<u>Total budget for 1999</u>	<u>\$12,250.00</u>
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Appendix "E" referred
to in Section 3C(ii) of the
Planning and Development
Committee Minutes for
March 3, 1999.



Appendix "F" referred
to in Section 3C(iii)(a) of the
Planning and Development
Committee Minutes for
March 3, 1999.



Aii)

Tuesday, March 9, 1999
Room 233, City Hall
7:00 o'clock p.m.

The Planning and Development Committee met in Special Session

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Kelly

Regrets: Mayor R. Morrow, Civic Business
Alderman R. Corsini, Civic Business
Alderman B. Charters, Civic Business

Also present: Alderman A. Horwath
Alderman C. Collins
Alderman T. Anderson
LeeAnn Coveyduck, General Manager, Community Planning
and Development Division
Victor Abraham, Director of Planning and Development
Dave Powers, Law Office
Len King, Building Commissioner
Kevin Christenson, Acting Secretary

1. 276 Wellington Street North, Demolition Permit

The Committee was in receipt of a Private and Confidential Report from the General Manager, Community Planning and Development Division dated March 4, 1999 respecting the subject matter.

Following brief discussion, the Committee recommended to Council as follows:

1. Regarding an application by Paul Ennis, in trust, owner of 276 Wellington Street North for a demolition permit for the building on this property, it is recommended that the Building Commissioner be authorized to issue a demolition permit provided the following has first been fulfilled:
 - (a) That the applicant has registered on title to this property a restriction under which the applicant covenants to the City that neither he nor his successors in title shall use this property for purposes of a public parking lot. The said restriction shall be prepared and registered by the applicant's lawyer in a form satisfactory to the Corporate Counsel.

3. Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved.

F. D'Amico
Chairman

Kevin Christenson
Acting Secretary

/jt

B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: February 24, 1999

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1999

RECOMMENDATION:

- a) That the 1999 operating budget for the Ottawa Street B.I.A. (Attached as Appendix 'A') be approved in the amount of \$34,945.
- b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above: and,
- c) That the following schedule of payments for 1999 be approved:

March 01	\$11,648.00
June 01	\$11,648.00
September 01	\$11,649.00

Note: 1998 assessment appeals may be deducted from the 1999 levy payments.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The \$34,945.00 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1999 February 23, the Ottawa Street B.I.A. adopted a 1999 operating budget of \$34,945.

This amount will be levied against owners of commercial/industrial properties within the B.I.A. boundaries and collected as part of the municipal tax bill for each property. For reference purposes, the B.I.A. levy will appear as a separate item on the tax bill.

DL:jp

c.c. Dan Kwaitkowski, Chairman
Ottawa Street B.I.A.

Alan Ross, General Manager
Finance Department
Att: Larry Friday, Supervisor of Tax Administration/Banking

APPENDIX 'A'

OTTAWA STREET B.I.A. PROPOSED BUDGET FOR 1999

ADVERTISING	\$ 6,000.
BEAUTIFICATION	\$ 2,200.
INSURANCE	\$ 945.
MEETING EXPENSES	\$ 500.
OFFICE EXPENSES	\$ 600.
PROFESSIONAL SERVICES	\$ 5,000.
RENT	\$ 1,200.
SPECIAL EVENTS	\$16,000.
TELEPHONE	\$ 700.
TRAVEL & PARKING	\$ 700.
DONATIONS	\$ 1,100.
TOTAL BUDGET	\$34,945.00

Ci)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: March 16, 1999
C. A. Unelli, E205-05

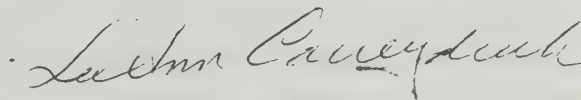
REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: **Final Lot Grading and Sodding Contract for
Various Subdivisions in Hamilton During 1999**

RECOMMENDATION:

That the General Manager of Finance be authorized and directed to issue an Open Order to Crescan Landscape Ltd. to provide final lot grading and sodding as and when required during 1999 in various subdivisions in Hamilton.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The expenditure will be financed through the Lot Grading Deficiencies Subdivision Account No. PR53700090. The expenditure will be recovered from the developer if he does not complete the final lot grading and sodding requirement of the City subdivision agreement.

BACKGROUND:

The City of Hamilton subdivision agreements require developers to provide appropriate security to ensure that all lot grading is completed in a satisfactory manner. In situations where deficiencies in the lot grading occur, the subdivider will be notified by the Community Planning and Development Division and be advised that remedial work will be required to correct the deficiencies.

Cont'd...

Cont'd...

Failure by the subdivider to perform the remedial work will be considered default of the City subdivision agreement whereby the Community Planning and Development Division will utilize an outside contractor to complete the outstanding works.

The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure of the subdivider to pay for the costs of remedial work would result in the City recovering the costs from the subdivision security on hand.

As unit prices vary with each contractor, in order to determine the low bidder, the unit prices received for Quotation C12-199 were applied to a hypothetical-grading scenario with the following results.

1.	Crescan Landscape Ltd.	\$26,123.75
2.	Oakridge Landscape Contracting Ltd.	\$26,283.75
3.	Branford Landscaping & Sodding Ltd.	\$34,517.50

The contract is being awarded to Crescan Landscape Ltd. as their bid of \$26,123.75 is the lowest of three quotations received in accordance with specifications issued by the Manager of Accounting and Purchasing and Vendor's quotation, to provide final lot grading and sodding as and when required during 1999 in various subdivisions in Hamilton. If any work is required to be completed by the City, in the event a subdivider defaults, it shall be financed through the Lot Grading Deficiencies Subdivision Account No. PR53700090.

cau

cc: Mr. L. C. King, Building Commissioner
cc: Mr. A. Ross, General Manager of Finance

Cii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 March 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
563 RYMAL ROAD EAST - Tag Number 99-101460
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 563 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT-20/S-1156

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: The owner proposes to demolish the existing 1-1/2 storey single family dwelling and leave the land vacant at this time. The property has been rezoned to permit townhouses. This property is located in the "Butler" neighbourhood and is located in Ward 7. (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 72.54m x 163.37m.

The owner of the property and applicant as per the demolition permit is:

Effort Trust
242 Main Street East
Hamilton, Ontario L8N 1H5

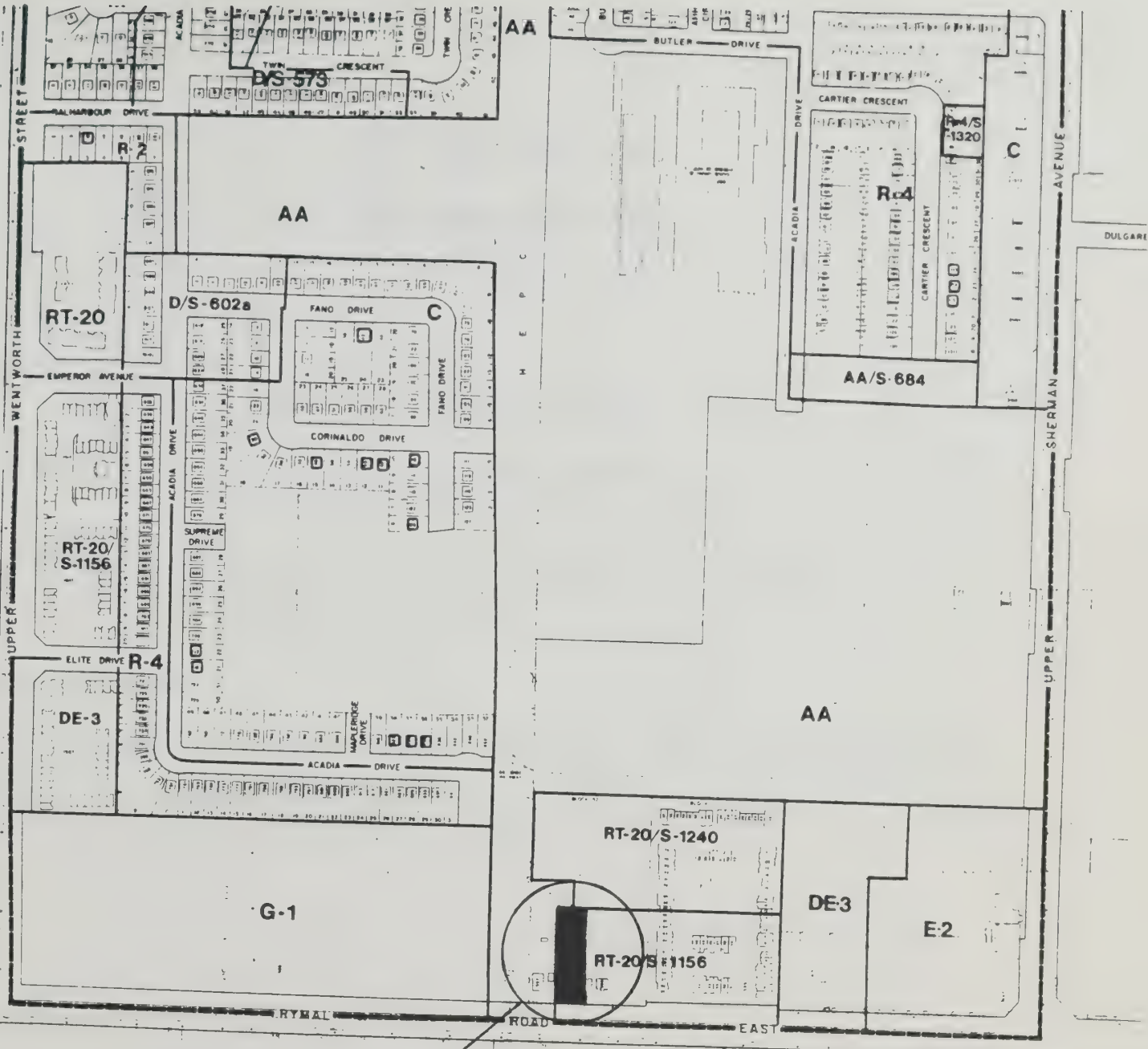
FP/zr

General Location of

563 Rymal Road East

★ Site of Application





SUBJECT PROPERTY
563 RYMAL RD EAST.

33	118	112
8	19	43

This is not a Legal Document
For Zoning Verification Please
Contact The City Building Department

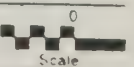
Neighbourhood Boundary
Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department

CITY OF

B

Z



PLANNING
11/27/78

Ciii)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 March 9

REPORT TO: Tina Agnello, Secretary
Planning & Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning & Development Division

SUBJECT: Administration Fee for the Clearance of Outstanding
Work Orders under By-law #98-174 - Building Permits
and Fees (99.2.4.2.1.A)

RECOMMENDATION:

That the Director of Legal Services and Corporate Council be authorized and directed to prepare a by-law to amend By-law #98-174 to authorize the Building Commissioner to collect a new fee of \$75 for the inspection and clearing of an outstanding Work Order other than a registered Property Standards Order.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The new \$75 fee will be used to offset the cost of completing a field inspection and providing a clearance letter to the owner or his solicitor. Annual revenue from this initiative is anticipated to be \$1,500.

BACKGROUND:

Occasionally, situations arise where Orders to Comply under various City of Hamilton by-laws are issued to an owner or contractor, which may be partially complied with to the extent of eliminating any unsafe or hazardous condition, but not to the full extent of the by-law involved. These matters may not be serious enough to justify legal action being taken by the City from an economic standpoint, but in order that a mortgage company or prospective purchaser may be advised of the problems, these Orders are left on file. Owners or their solicitors are advised at the time the Orders are filed that should any interested party inquire regarding Work Orders, their existence will be reported, usually via a Property Report. This process involves a file search, but not a field inspection.

In order to clear an outstanding Order, an owner must first comply with the Order and the Building Inspector must complete an inspection. If compliance is found, a letter is sent to the owner or his solicitor confirming that the Order has been cleared from the file. Presently this service has been provided at no cost to the owner even though the Department in performing the task incurs costs.

It is anticipated that the imposing of this fee may encourage owners to comply with the Orders fully in the first place. As the person needing the clearance is the benefactor, the administration fee as proposed would appear to be appropriate.

LCK/PCL/dm

Civ)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 March 9

REPORT TO: Tina Agnello, Secretary
Planning & Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning & Development Division

SUBJECT: Administration Fee for Clearance and Discharge of an Outstanding Registered Order Under the Property Standards By-law 98-243, As Amended (99.2.4.2.1.A, 99.4.9)

RECOMMENDATION:

That the Director of Legal Services and Corporate Council be authorized and directed to prepare a by-law to amend Property Standards By-law #98-243 to authorize the Building Commissioner to collect a new fee for the inspection of a property in order to clear an outstanding registered order under Property Standards By-law #98-243, as amended, and to subsequently have the said order discharged from title.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The fee of \$175 is comprised of \$50 for the recovery of the initial registration fee; \$75 for the inspection and preparation of documentation; and \$75 for the recovery of the fee to register the discharge. Annual revenue from this inspection is anticipated to be \$6,300.

BACKGROUND:

Under the Planning Act, enforcement of the Property Standards By-law permits a municipality to register a final and binding Order on title of a property if that Order has not been complied with in the required time limit. The Order then becomes the responsibility of the current and any subsequent owner.

The Building Department has found that reasonable success is derived from registering Property Standards Orders on title as they tend to force compliance before properties are refinanced or sold. Therefore, clearance of these registered Orders becomes a high priority to an owner and the property is brought back up to standard in order to clear the title.

Under the Planning Act, a municipality is required to register a Discharge document to remove the Order from title once the Order has been complied with. Presently, upon receipt of this request the Building Inspector completes an inspection, prepares the appropriate documentation to forward to Corporate Services for registration of the Discharge, and notifies the owner of the Department's actions in clearing the title. The Building Department incurs a \$50 fee from the registry office to register the discharge documents in addition to the \$50 fee to register the original Order. During an average year, approximately 36 inspections and discharges occur with the Building Department absorbing the costs.

It is, therefore, proposed that the \$175 administration fee should be imposed as the City should not absorb these costs on behalf of property owners who do not comply with the Property Standards By-law within the required time frame.

LCK/PCL/dm

D

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 March 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Commercial Property Improvement Loan Program
Loan Increase
629 Barton Street East, Hamilton

RECOMMENDATION:

- a) That the original loan of thirteen thousand, eight hundred and thirty-two dollars (\$13,832) to Filomena Raso, for improvements to 629 Barton Street East, be increased by one thousand, eight hundred and forty eight dollars (\$1,848), totalling fifteen thousand, six hundred and eighty dollars (\$15,860), subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program.
- b) That a grant increase from the Barton Street Revitalization Fund in the amount of nine hundred and twenty-four dollars (\$924) be utilized to pay-down this loan increase as per the terms of the Barton Street Revitalization Program.



M. J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of \$1,848 is funded from the Commercial Property Improvement Loan Program, the current balance of which is \$566,163. The grant increase is funded from the Barton Street Revitalization Fund the current balance of which is \$127,912.

BACKGROUND:

City Council at its meeting held 1998 October 13 approved a loan application under the subject program in the amount of \$13,832. The owner has since met the criteria for additional work costing \$1,848 that has been reviewed and found acceptable. It is therefore recommended that the owner's application be increased from \$13,832 to \$15,680. The grant portion will increase from \$6,916 to \$7,840. In accordance with program requirements, loan security is provided by a promissory note and lien; with the loan amortized for ten (10) years at zero per cent interest, for a total new monthly payment of \$153.62.

MJS/MM/dk

cc R. Camani, Finance Department
D. Powers, Law Department

CITY OF HAMILTON

E

- RECOMMENDATION -

DATE: March 12, 1999

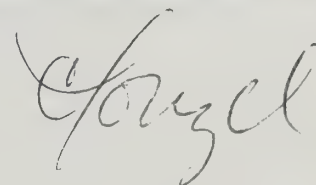
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Community Heritage Ontario 1999 Conference – Authorization for Delegates to Attend

RECOMMENDATION:

- a) That up to two members of the Local Architectural Conservation Advisory Committee be authorized to attend Community Heritage Ontario's 1999 Provincial Conference to be held in Kingston, Ontario from May 28-30, 1999; and,
- b) That the Conference costs in the estimated amount of \$860 be financed through the Legislative Travel Account No. CH 55201 10010.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Conference costs including registration, accommodations and a per diem for each member to attend the three day Conference is approximately \$430 each (x 2 = \$860).

BACKGROUND:

Community Heritage Ontario, the umbrella organization of Ontario's LACACs will hold its annual conference this year in Kingston, Ontario from May 28-30, 1999.

"Making Heritage Pay" is the theme for this year's Conference and features such sessions as Rationalizing Historic Integrity and Ethical Practices with Contemporary Use Needs, Approaches to Preserving Downtown Heritage Buildings, Selling Businesses on the Opportunities of Downtown, Cost Analysis for Heritage Building Conservation, and, Heritage Conservation Tax Incentives – all of which are of interest to the Committee.

cc Nina Chapple, Planning and Development Department

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 17, 1999

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Secretary, LACAC re: Minutes of the meeting held February 8, 1999, dated March 8, 1999
- (b) General Manager Community Planning and Development Division re: Approved Site Plan Control Application dated March 11, 1999

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

T. Agnello

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

6. Tax Incentive Program for Designated Heritage Buildings in the Downtown
7. **CONSENT AGENDA**
8. **PRIVATE AND CONFIDENTIAL AGENDA**
9. **OTHER BUSINESS**
10. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
6.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
7.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
9.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
10.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
11.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
12.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
13.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
14.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
15.	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming
				March 31, 1999

CITY OF HAMILTON
- RECOMMENDATION -

1

DATE: 1999 March 16
ZAC-99-01
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning & Development Division

SUBJECT: Request for a change in zoning – 129 Rebecca Street

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-99-01, Michael Valvasori, prospective owner, for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified to "DE" (Low Density Multiple Dwellings) District, modified to permit the conversion of the existing building for 19 apartment units, for property located at 129 Rebecca Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District, modified to "DE" (Low Density Multiple Dwellings) District;
- (ii) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - 1) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - a) a multiple dwelling containing a maximum of nineteen (19) Class A dwelling units within the building existing at the time of the passing of the By-law;
 - 2) That notwithstanding Section 10A.(3) of Zoning By-law No. 6593, the existing building at the time of the passing of this by-law, known municipally as 129 Rebecca Street, shall provide and maintain the following setbacks:
 - a) 0.0 metres from the southerly, easterly, northerly and westerly lot lines;

- 3) That notwithstanding Section 10A.(4) of Zoning By-law No. 6593 a lot width of not less than 17.6 m and a lot area of not less than 460 m² shall be provided and maintained;
 - 4) That Section 10A.(5) of Zoning By-law No. 6593 shall not apply; and,
 - 5) That Section 18A of Zoning By-law No. 6593 shall not apply;
- (iii) That the amending By-law be added to Section 19 of Zoning By-law No 6593, as Section S-850a, and that the subject lands on Zoning District Map E-4 be notated S-850a;
 - (iv) That the Director of Legal Services and Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council; and,
 - (v) The proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "DE" (Low Density Multiple Dwellings) District for land located at 129 Rebecca Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the conversion of the existing building to a maximum of nineteen (19) dwelling units. In addition, the by-law provides for the following variances as special requirements:

- Recognizes the existing building setbacks of 0.0 m, which do not comply with the provisions of the "DE" District which, for a new building, would require the following setbacks:
 - front yard setback of not less than 6.0 m;
 - side yard setbacks of not less than 3.0 m; and,
 - rear yard setback of not less than 7.5 m;
- permits the existing building with a lot width of not less than 17.6 m and a lot area of not less than 460 m², whereas the by-law requires a lot width of not less than 27 m and a lot area of not less than 2,378 m²;

- no landscaping will be provided, whereas the by-law requires a minimum 25% of the lot area (115 m²); and,
- no parking spaces or loading space will be provided on-site, whereas 16 parking spaces and one 9.0 m x 3.7 m x 4.3 m loading space is required.

Lee Ann Carney

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Proposal

The applicant is proposing to convert the existing three (3) storey building to nineteen (19) dwelling units as follows: 6 bachelor, 11 one bedroom and 2 two bedroom units. This is amended from the original application which proposed twenty-one (21) bachelor and one bedroom units.

The building had been previously used for a thirty two (32) bed short term care facility operated by Wesley Urban Ministries. The existing building covers most of the site therefore no parking or loading can be provided on site. This building is listed as a building of heritage interest.

By-law No. 83-325

City Council, on December 13, 1983, passed By-law No. 83-325, which modified the existing "J" (Light and Limited Heavy Industry, etc.) District, to permit a short term care facility for not more than thirty-two (32) residents. The by-law provided further modifications to not require parking for the short term care facility or the existing community centre.

APPLICANT:

Michael Valvasori, prospective owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 17.65 m (57.92 feet) on Rebecca Street;

- A depth of 26.1 m (85.5 feet); and,
- A lot area of approximately 460.1 m² (4952.16 square feet).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Short term care facility	"J" (Light and Limited Heavy Industry, etc.) District, modified
<u>Surrounding Lands</u>		
To the north	Parking Lot	"J" (Light and Limited Heavy Industry, etc.) District, modified
To the east	Industrial	"J" (Light and Limited Heavy Industry, etc.) District, modified
To the south	Parking lot and Hamilton-Wentworth Police Station	"I" (Central Business) District, modified
To the west	Two family dwellings	"J" (Light and Limited Heavy Industry, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "Central Policy Area" on Schedule 'A' – Land Use Concept and are within Special Policy Area 3 on Schedule 'B' – Special Policy Areas of the Official Plan. The following policies, amongst others apply:

- "A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1 (iii):
- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Mixed Use (Commercial and Residential)" in the approved Beasley Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

- The Heritage Resource staff advise that 129 Rebecca Street is a Listed Building, and if any changes are proposed to the exterior, staff would like to review them. The recycling of Listed Buildings is supported.
- The Hamilton Region Conservation Authority advise they have no objection.
- The Public Works and Traffic Department advise:

"It is our understanding the proposed change in zoning is to permit the conversion of the existing use, a residential care facility, to a 21-unit multiple dwelling. Under normal requirements, the proposed 21-unit multiple dwelling would require a minimum of 17 parking spaces and one 9.0 m loading space to be provided on site. Considering the site limitations, it is not possible to provide any parking or the one required loading space. Therefore, any demand for parking generated by this development will be reliant on available on-street and off-street parking in the area.

Considering the site limitations and the proximity to the downtown area covered by the Downtown Initiatives program in which no parking is required, we would have no objection to a variance to the by-law to reduce the parking and loading requirements"

- The Regional Environment Department advises:

"The above application conforms with the intent of the Hamilton-Wentworth Official Plan.

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

Since the applicant has provided information that the previous uses of the subject building included residential uses (i.e. short term care facility), and there is no potential for site contamination of this existing building, conditions pertaining to contaminated site remediation, are not considered necessary.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Regional Environment Department (Development Division) advise:

"...that there are public watermains and combined storm and sanitary sewers available to service the subject lands.

The Transportation and Operations Division have the following comments:

1. According to our office records, the existing road allowance width of this section of Rebecca Street is 20.12 m . Therefore we do not anticipate any further road allowance widenings at this time.
2. According to plans submitted by the applicant/owner, the existing building encroaches into the Rebecca Street road allowance. As a condition of development approval we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton.
3. Any other works which may occur within the Rebecca Street road allowance must conform to the City of Hamilton Streets By-law."

- The Building Department advise:

- "1. It is assumed that the twenty-one (21) dwelling units are proposed in the existing building which does not conform with respect to yards, gross floor area, landscaping, etc. of the proposed DE Zoning District.
2. The proposed twenty-one (21) multiple dwelling requires a lot width of 27.0 m (88.58') and an area of at least 140 m² (1507 ft.²) for each Class A dwelling unit except for dwelling units used for bachelor dwelling units in which the minimum area can be reduced to 93.0 m² (1001.04 ft.²) per bachelor dwelling unit. The number of bachelor units is not indicated.
3. The minimum 25% landscaping requirement can not be complied with.
4. A twenty-one (21) unit multiple dwelling requires seventeen (17) parking spaces and one (1) 9.0 m x 3.7 m x 4.3 m loading space. No parking or loading proposed.
5. For your information, this building is on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Committee (LACAC)."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and approved Beasley Neighbourhood Plan.

2. The proposal has merit and can be supported on the following basis:

- It complies with the intent of the Official Plan which encourages:
 - housing opportunities in close proximity to the downtown core;
 - "affordable " housing opportunities; and,
 - the preservation of heritage buildings.
- The proposal is an adaptive re-use of the existing Listed Heritage building;
- It is compatible with adjacent residential uses to the west.

3. Approval of this application will require a number of variances to permit the conversion of the existing building for a 19 unit multiple dwelling.

Yards, Intensity and Landscaping

Variances are required to recognize the existing yards, lot frontage and lot area for the existing building from the "DE" (Low Density Multiple Dwellings) District requirements which are based on new construction in a "green fields" context. Accordingly, the following variances are required:

- All yards of 0.0 m, whereas a front yard setback of not less than 6.0 m, side yard setbacks of not less than 3.0 m; and, a rear yard setback of not less than 7.5 m are required;
- a lot width of not less than 17.6 m and a lot area of not less than 460 m², whereas a lot width of not less than 27 m and a lot area of not less than 2,378 m² are required; and,
- no landscaping will be provided, whereas the by-law requires a minimum 25% of the lot area (115 m²).

Parking and Loading

The by-law requires sixteen (16) parking spaces and one (1) 9.0 m x 3.7 m x 4.3 m loading space for a nineteen (19) unit multiple dwelling. Since the existing building covers more than 80% of the lot, there is no opportunity to provide on site parking or loading.

The subject lands are located in the downtown adjacent to the area identified in By-law No. 97-015 (see attached APPENDIX "B"), which exempts all residential uses (except residential care and short term care facilities) established between November 1, 1996 and September 1, 1999, from the parking and loading requirements. Further, the Public Works and Traffic Department have no objection to including variances for both the parking and loading requirements.

Based on the foregoing, variances for parking and loading can be supported.

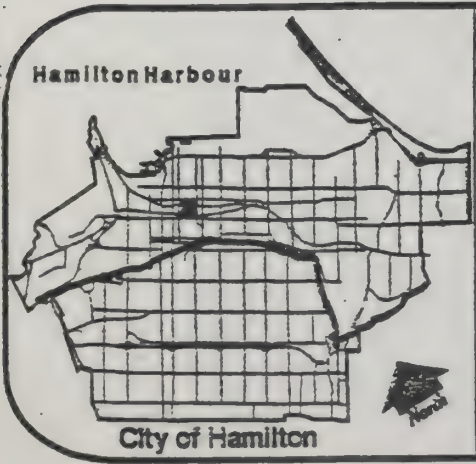
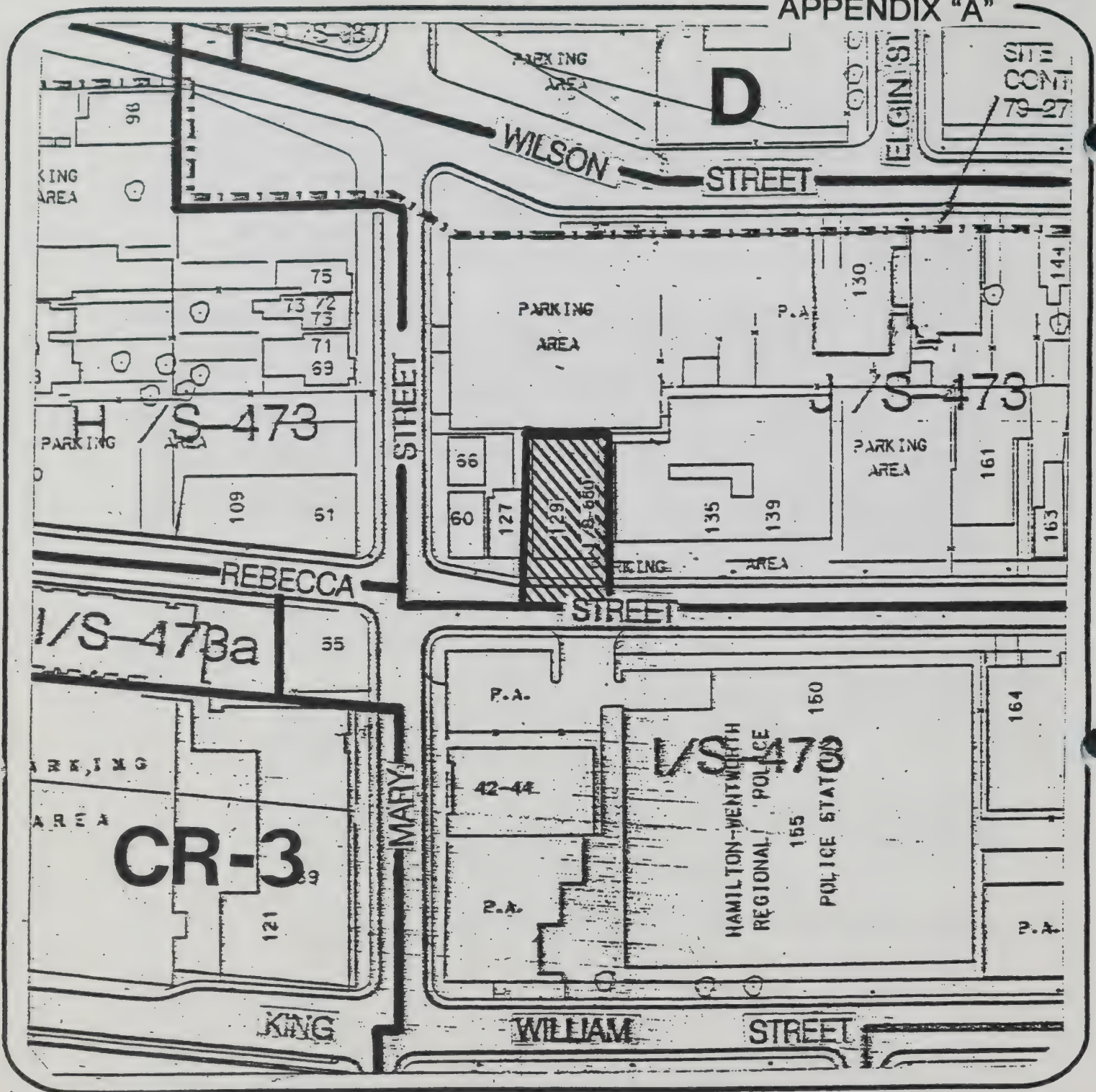
3. The Regional Environment Department had noted that the existing building appears to encroach onto the Rebecca Street road allowance and that, as a condition of approval, it was recommended the applicant/owner enter into an encroachment agreement with the City. Regional Environment Department staff subsequently advised that there was no need for a new encroachment agreement.
4. Typically where residential uses are proposed on lands/buildings previously used for industrial purposes, a Record of Condition is required as a condition of development approval. In this instance, as noted in the comments from the Regional Environment Department, "the applicant has provided information that the previous uses of the subject building included residential uses (i.e. short term care facility), and there is no potential for site contamination of the existing building". On this basis, conditions pertaining to contaminated site remediation, are not considered necessary. Furthermore, the proposal falls within the parameters of the Provincial Policy Statement.

CONCLUSION:

Based on the foregoing, the application can be supported.

CLF//

ZAC-99-01



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of application

Reference file:
ZAC-99-01

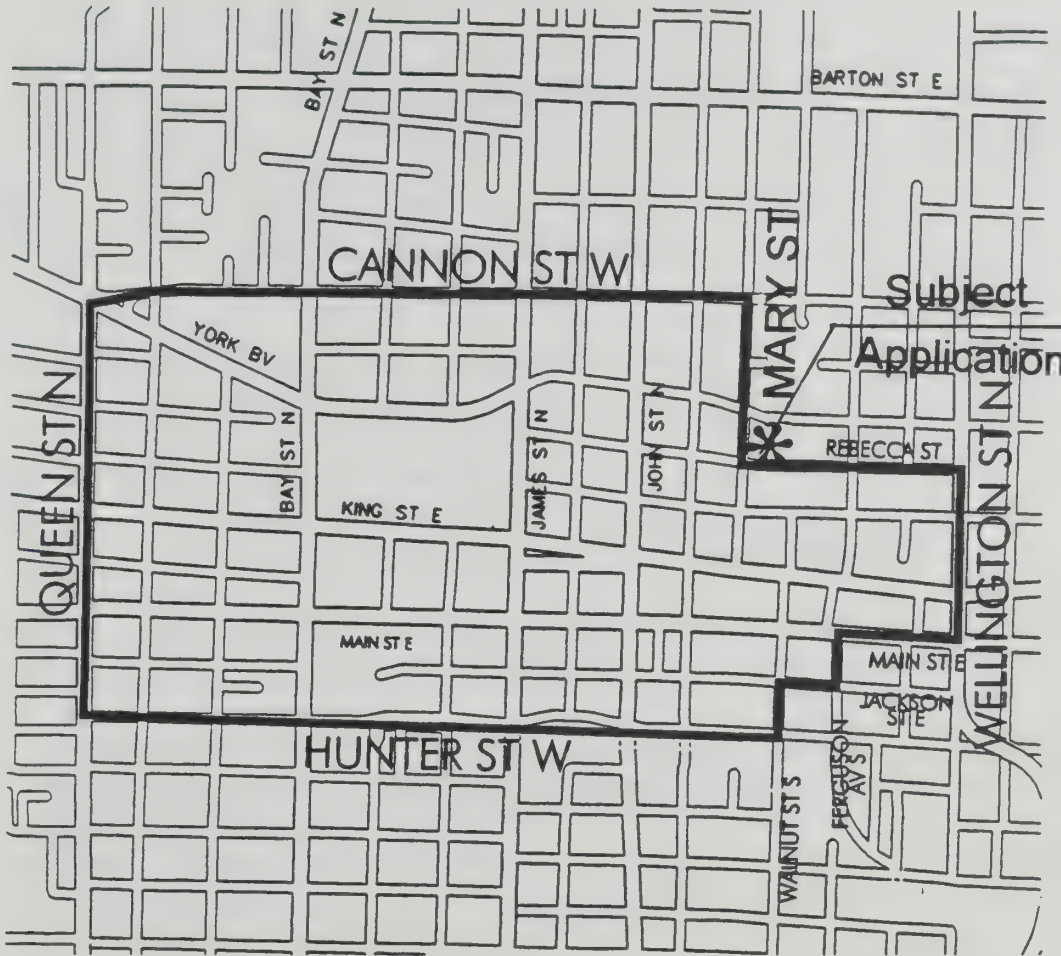
Scale
Not to Scale

Date
January, 1998

Technician:
F.N.

APPENDIX
A

Schedule "K" - Downtown Residential Parking Area



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-015
Passed the 28th day of January, 1997.

[Signature]
Clerk

[Signature]
Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 97-015

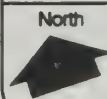
to Amend By-Law No. 6593

Planning and Development Department

Legend



No Parking and loading required
for Residential Development



Scale
NOT TO SCALE

Date
January 1997

Reference File No.
CI 96-1

Drawn By
W. B.

CITY OF HAMILTON

2

- RECOMMENDATION -

DATE: 16 March, 1999
(Kernighan Neighbourhood)
SAC-98-01(R) & ZAC-99-06

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Revised Subdivision Application "Woodland Meadows" and Change
in Zoning – 965 West 5th Street

- A. That approval be given to Revised Subdivision Application 98-01, (Regional File No. 25T-98003), Valery Construction Company Limited, owner to establish a draft plan of subdivision "Woodland Meadows", on lands located east of West 5th Street and north of Stone Church Road West, known municipally as 965 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by J.P. Wooley, O.L.S. dated March 12, 1998, revised February 11, 1999, showing 40 lots for single detached dwellings, 5 blocks being 0.30 m reserves, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", attached as APPENDIX "B".
 - (ii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
 - (vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- (viii) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, to be registered on title of all lots within the plan of subdivision abutting West 5th Street and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the Director of Legal Services and Corporate Counsel:

"Purchasers are advised that noise levels originating from West 5th Street may become of concern, occasionally interfering with some activities of the occupant"; and,

"Purchasers are advised that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway."

- (ix) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:
 - 1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:
 - a. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - b. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,
 - c. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
 - 2. That the requirements of the approved erosion and sediment control plan be included within the Subdivision Agreement for this property; and,
 - 3. That the applicant prepare and implement a stormwater management plan for the subject property. The approved plan shall address stormwater quantity and quality issues and ensure that current Provincial drainage and stormwater management quality guidelines are implemented.

- (x) That the 5.18m road widening on West 5th Street, shown as Block 42, be dedicated to the Region of Hamilton-Wentworth for road widening purposes on the final plan.
- (xi) That the final plan incorporate the lands originally shown as Blocks 41 and 42, into Street "A" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.
- (xii) That a 1m by 1m daylight triangle road widening be established at the intersection of Street "A" and West 5th Street from Lot 1.
- (xiii) That a minimum 4m by 4m daylight triangle road widening be established on Lots 17 and 25 at the L-shape bend in the road on Street "A" and Street "B" to accommodate the off tracking of vehicles through the 90 degree bend in the 18.0m road allowance.
- (xiv) That prior to the final approval of 18m road rights-of-ways for the new "public street" to West 5th Street and Streets "A" and "B", the applicant/owner must provide written confirmation from all the respective Utility Companies that their facilities can be accommodated within the 18m right-of-way while still maintaining the standard municipal roadway cross section and municipal sidewalk locations. The owner will provide and pay for permanent conduit as required for various utilities due to the reduced road allowance width.
- (xv) That the owner be required to pay for the entire construction of Street "A" from West 5th Street easterly.
- (xvi) That the owner be required to pay for their share of costs for the establishment and construction of the neighbourhood street adjacent to the north limit of the subdivision which are not covered by the draft plan condition on lands to the north.
- (xvii) The outside corner street radius on Street "A" should be decreased from 21.5m to 15m.
- (xviii) That a 2m by 2m daylight triangle be established at the corner of Street "B" and the "public street" to West 5th Street from Lot 16.
- (xix) That the applicant/owner provide the future replacement of Street "A" from Street "B" to West 5th Street with a walkway. This includes curb/street removal, landscaping and the curb alterations required at the intersections of Street "B" and Street "A" and Street "A" and West Fifth Street.
- (xx) That the owner grant the City temporary right-of-way over Lots 9, 24, 32 and 33 in order to construct the standard 9m radius turning circles and provide a minimum of 6m behind the turning circle for snow storage, the construction of temporary drainage facilities and the temporary location of Utilities, as required.
- (xxi) That the owner agree not to request Building Permits for Lots 9, 24, 32 and 33 until such time as the temporary cul-de-sacs have been removed and a permanent street has been constructed adjacent to these lots to the satisfaction of the City of Hamilton.

- (xxii) That the owner establish and convey a .30m reserve, along the south side of Street "A" to the City of Hamilton on the final plan for the purposes of access control.
 - (xxiii) That the removal of any trees within the West 5th Street road allowance or on City lands to the north be subject to the approval and to the satisfaction and requirements of the Forestry Section of the City of Hamilton Department of Public Works and Traffic.
 - (xxiv) That the Owner provide and implement a Landscape and Tree Preservation Plan to the satisfaction of the Regional Environment Department.
 - (xxv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
- B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98003), Valery Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- C. That the conditions of draft plan approval, as contained in section 2 of the Thirteenth Report of the Planning and Development Committee (1998), applicable to the previous plan of subdivision dated March 10, 1998, as approved by City Council, attached as Appendix "C", be rescinded and replaced with the proposed condition of draft plan approval contained in section A of this report;
- D. That the Municipal Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- E. That approval be given to **Zoning Application 99-06, Valery Construction Company Limited, owner** for a change in zoning from "D" (Urban Protected Residential – One and Two Family, etc) District, modified, to "C" (Urban Protected Residential, etc.) District, modified, for lands located east of West 5th Street and north of Stone Church Road West, known municipally as 965 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:
- (i) That Subsection 1.(b) of Zoning By-law No. 98-205 be repealed in its entirety and replaced with the following:
 "by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, those lands comprised in Block "2";"
 - (ii) That Section 2 of Zoning By-law No. 98-205 be repealed in its entirety and replaced with the following:
 "2. That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

(a) That notwithstanding Section 9.(3)(i) of Zoning By-law no. 6593, the following shall apply:

1. A front yard having a depth of not less than 4.5m to the main wall of the dwelling shall be provided and maintained;
2. A front yard having a depth of not less than 6.0m to the garage or carport shall be provided and maintained”;

(iii) That Schedule “A” of Zoning By-law No. 98-205 be repealed and replaced with a new Schedule “A” in accordance with Sections 1(a) and 1(b) of Zoning By-law No. 98-205, as amended.

(iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1406a and that the subject lands on Zoning District Map W-9B be notated as S-1406a;

(v) That the Director of Legal Services and Corporate Counsel be directed to prepare a by-law to amend Zoning By-law No. 6593, as amended by Zoning By-law No. 98-205, and Zoning District Map W-9B for presentation to City Council; and,

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

F. That upon finalization of the implementing Zoning By-law, the approved Kernighan Neighbourhood Plan be amended to redesignated Blocks “1” and “2” from “Single & Double & Attached Housing” Residential to “Single & Double” Residential and to recognize the revised lotting configuration as shown on the revised draft plan of subdivision. In addition, a notation should be added to the Kernighan Neighbourhood Plan to indicate that Street “A”, between Street “B” and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street “A” will be retained as a public walkway.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a change in zoning from “D” (Urban Protected Residential – One and Two Family, etc.) District, modified, to “C” (Urban Protected Residential, etc.) District, modified, for lands located east of West 5th Street and north of Stone Church Road West, known municipally as 965 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix “A”.

The effect of the By-law is to permit the development of the subject lands, in conjunction with the adjoining lands fronting along West 5th Street, in accordance with the proposed revised plan of subdivision “Woodland Meadows” (Regional File No. 25T-98003(R)) for 40 lots for single detached dwellings.

In addition, the By-law provides for a minimum front yard of not less than 4.5 m to the main wall of the dwelling and 6.0 m to the garage or carport, whereas the provisions of the Zoning By-law require a minimum front yard of 6.0 m.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act and the City of Hamilton Official Plan, Council shall hold at least one (1) public meeting for an application for a change in zoning and draft approval of a plan of subdivision.

BACKGROUND:

Proposal:

The proposed plan of subdivision, as red-line revised, is to subdivide the subject lands into 40 lots for single detached dwellings, 5 blocks being 0.30 m reserves, 1 block for road widening purposes, and two streets identified as Street "A" and Street "B", as shown on the attached map marked as Appendix "B".

Subdivision Application 98-01 and Zoning Application 98-13

City Council, at its meeting of June 30, 1998, approved revised Subdivision Application 98-01 and Amended Zoning Application 98-13. The purpose of these applications was to permit the development of the subject lands for 18 lots for single family dwellings, 8 lots (16 units) for semi-detached dwellings, 5 blocks (16 units) for street townhouses and 2 Streets identified as Streets "A" and "B" (see Appendix "D").

The implementing zoning by-law (Zoning By-law No. 98-205) was subsequently passed by City Council on July 9, 1998 and has been appealed to the Ontario Municipal Board. The Region of Hamilton-Wentworth has not issued draft plan approval for the subdivision of the subject lands.

Under the previous rezoning application (ZA-98-13), the lands were rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "2"), (see Appendix "E"). The applicant is not proposing any changes to the established "C" District zoning for the 8 lots fronting onto West 5th Street.

APPLICANT:

Valery Construction Company Limited, owner.

AGENT:

Planning and Engineering Initiatives Limited

SURVEYOR:

J.P. Wooley, O.L.S.

LOT SIZE AND AREA:

The subject lands have

- 120 m of lot frontage along West 5th Street;
- a maximum lot depth of 187 m; and
- 2.243 ha of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"C" (Urban Protected Residential, etc.) District, modified and "D" (Urban Protected Residential – One and Two Family, etc.) District, modified
<u>Surrounding Land Use</u>		
To the north	Single detached dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District
To the south	Multiple Family	"RT-20" (Townhouse – Maisonette) District
To the west	Single detached dwellings	"AA" (Agricultural) District and "B" (Suburban Agricultural and Residential, etc) District
to the east	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated as **"RESIDENTIAL"** on Schedule "A" of the City of Hamilton Official Plan. The proposed plan of subdivision and change in zoning comply with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated **"Civic & Other Institutional"** and **"Utilities"** in the approved Kernighan Neighbourhood Plan. Upon finalization of Zoning By-law 98-205, then the Kernighan Neighbourhood Plan is to be amended to redesignate the subject lands to **"Single & Double & Attached Housing"** and to recognize the road pattern and lotting configuration as shown on the revised draft plan of subdivision. In addition, a notation is to be added to the Kernighan Neighbourhood Plan to indicate that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

The proposed changes in zoning comply with the approved neighbourhood plan. However, the approved Kernighan Neighbourhood Plan should be further amended to redesignate the subject lands from "Single & Double & Attached Housing" Residential to "Single & Double" Residential.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"This subdivision must be serviced by a public roadway constructed to full City standards. The two temporary cul-de-sacs must also be designed and constructed to Ontario Provincial Standards, with a 9 metre radius bulb enclosed by curbs and with a 15 metre radius of road right-of-way. The additional 6 metres surrounding the paved bulb provides a buffer area for snow storage, provides additional space for large vehicles turning around in the bulb, and ensures parked vehicles are not encroaching on the paved portion of the roadway. We understand the proposed design and cul-de-sac are for a temporary condition. However, as you are aware, this temporary condition has no time limits."

- The Regional Environment Department, Development Engineering Section advised of the following:

"INFORMATION"

- 1) In the initial preparation of the Kernighan Neighbourhood Plan, two blocks of lands were set aside for Public and Private School sites. The development of this draft plan eliminates the Private School Site and we also understand that the Public School Site may also be sold by the Province of Ontario. In our previous comments at preconsultation meetings for developments in this Neighbourhood it has consistently been our recommendation that development and road pattern of this Neighbourhood be reviewed to ensure that the land use and the road network is optimized and that this Neighbourhood review be completed prior to the approval of further development within this neighbourhood.

With respect to the draft plan submitted, the neighbourhood plan should first be amended to show a "public highway" connecting Street "A" to West 5th Street with a notation that the roadway could be closed to vehicular traffic at some future date and possibly revert to a public walkway. Should this notation be placed on the approved Kernighan Neighbourhood Plan, there is merit to consider reducing the right-of-way width on the "public street connection" to West 5th Street and Streets "A" and "B" from 20m to 18m since they may revert to a crescent-shape roadway at some future date. This right-of-way reduction is also dependant on confirmation from the respective Utilities that their facilities can be properly accommodated.

- 2) According to the submitted plan, it appears that the existing manholes for the sewers in the Regional Easement adjacent to Block 27 on the plan may affect the development of that block. The applicant/owner should contact the Regional Environment Department, Development Division for further discussion.

RECOMMENDATIONS

- 1) That the 5.18m road widening on West 5th Street, shown as Block 43 on the "revised" submitted draft plan be dedicated to the Region of Hamilton-Wentworth for road widening purposes on the final plan.
- 2) That Blocks 41 and 42 be removed and established as Street "A" on the final plan.
- 3) That a 1m by 1m daylight triangle road widening be established at the intersection of the "public street" and West 5th Street from Lot 1.
- 4) That a minimum 4m by 4m daylight triangle road widening be established on Lot 17 and 25 at the L-shape bend in the road on Street "A" and Street "B". This is required to accommodate the off tracking of vehicles through the 90 degree bend in the 18.0m road allowance.
- 5) That prior to the final approval of 18m road rights-of-ways for the new "public street" to West 5th Street and Streets "A" and "B", the applicant/owner must provide written confirmation from all the respective Utility Companies that their facilities can be accommodated within the 18m right-of-way while still maintaining the standard municipal roadway cross section and municipal sidewalk locations. The owner will provide and pay for permanent conduit as required for various utilities due to the reduced road allowance width.
- 6) That the owner be required to pay for the entire construction of Street "A" from West 5th Street easterly.
- 7) That the Owner be required to pay for their share of costs for the establishment and construction of the neighbourhood street adjacent to the north limit of the subdivision which are not covered by the draft plan condition on lands to the north.
- 8) The outside corner street radius on Street "A" should be decreased from 21.5m to 15m.
- 9) That a 2m by 2m daylight triangle be established at the corner of Street "B" and the "public street" to West 5th Street from Lot 16.
- 10) That the applicant/owner provide the future replacement of Street "A" from Street "B" to West 5th Street with a walkway. This includes curb/street removal, landscaping and the curb alterations required at the intersections of Street "B" and Street "A" and Street "A" and West Fifth Street.
- 11) That notices be placed on title, to all Lots and Blocks within the subdivision that Street "A" between Street "B" and West 5th Street may be closed to vehicular traffic at some future date when Picino Street is constructed to the north.
- 12) That the owner grant the City temporary right-of-way over Lots 9, 24, 32 and 33 in order to construct the standard 9m radius turning circles and provide a minimum of 6m behind the turning circle for snow storage, the construction of temporary drainage facilities and the temporary location of Utilities, as required.
- 13) That the owner agree not to request Building Permits for Lots 9, 24, 32 and 33 until such time as the temporary cul-de-sacs have been removed and a

permanent street has been constructed adjacent to these lots to the satisfaction of the City of Hamilton.

- 14) That the owner establish and convey a .30m reserve along the south side of Street "A" to the City of Hamilton on the final plan for the purposes of access control.
- 15) That the removal of any trees within the West 5th Street road allowance or on City lands to the north of the subject property be subject to the approval and to the satisfaction and requirements of the Forestry Section of the City of Hamilton Department of Public Works and Traffic.
- 16) That the Owner provide and implement a Landscape and Tree Preservation Plan to the satisfaction of the Regional Environment Department.
- 17) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by J.P. Woolley, O.L.S. dated March 12, 1998, latest revision date of February 11, 1999, is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- In response to the original rezoning and subdivision application, the Hamilton Region Conservation Authority (HRCA) advised that they have no objection to the proposed change in zoning.

With respect to the proposed plan of revised subdivision, the HRCA advised that their original comments are still applicable. As such, the HRCA has requested that if the subdivision is approved, then the following conditions should be required as part of the draft plan approval:

- "1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan should include the following notes:
 - a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff; and,
 - c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,
2. That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address stormwater quantity and quality issues and ensure that current Provincial drainage and stormwater management quality guidelines are implemented.

Comments:

Removal of vegetative cover combined with the construction of the subdivision may increase erosion and sedimentation both on and off the subject property. In this regard, an erosion and sediment plan should be prepared and implemented for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

A stormwater management plan is required for this site. This report will explain the manner in which stormwater will be conveyed from the site, including stormwater management techniques in accordance with Provincial drainage and stormwater quantity and quality guidelines.

Ministry of Natural Resources concerns regarding this project have been addressed through the comments and conditions provided by the HRCA."

- The Regional Environment Department, Development Division advised of the following:

"The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP). The proposal conforms with the intent of the HWOP.

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS provided the potential for noise impacts on future residential developments is addressed.

Since the subject property is adjacent to West 5th Street, there is the potential for noise impacts to future residents of the proposed development. As such, the proposed development should be conditional upon the following:

- 1) That the owner agree in writing to register the following noise warning clause for all the residential units within the proposed development:

"Purchasers are advised that noise levels originating from West 5th Street may become of concern, occasional interfering with some activities of the occupant."

- In response to the revised subdivision application, the Building Department advised of the following:

- "1. Blocks 1 to 42 appear to qualify as single family lots in a "C" or "D" zone with the required 12m width and 360 m² minimum areas, with the exception of Lots 21, 22, 29 and 30 which lack the required area.
2. Blocks 40, 41 and 42, with at least 18m widths and 540 m² areas, appear to meet the requirements for two family dwelling building lots in a D zone.
3. Blocks 44 and 45, the .3m reserves, must be incorporated into the road allowance.
4. Lot areas haven not been shown, nor some of the rear lot widths."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Kernighan Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the Kernighan Neighbourhood Plan;
 - ii) it is consistent with planned development in accordance with the Kernighan Neighbourhood Plan; and,
 - iii) it would be compatible with the existing and planned residential uses in the surrounding area.
3. The revised subdivision application is to permit the development of the subject lands for 40 lots for single detached dwellings. Under the provisions of the previously approved plan of subdivision, the subject lands could be developed for 18 lots for single family dwellings, 8 lots (16 units) for semi-detached dwellings, 5 blocks (16 units) for street townhouses, for a total of 50 units. The effect of the revised application is a 20% reduction in the number of units and as such the rezoning application is in effect a down-zoning of the subject lands.
4. The applicant has requested a variance to the provisions of the Zoning By-law to permit a reduced front yard setback from 6.0 m to 4.5 m for the proposed single detached dwellings fronting onto Street "A" and Street "B". The setback to the garage will be 6.0m. This variance can be supported in that the proposed lots are 28 m versus the typical 30 m lot depth. In addition, the applicant has increased the lot width to ensure that the minimum lot area for the "C" District is met. As the reduced front yard setback will be for all of the proposed lots on the internal street, the reduced setback can be supported.
5. The Regional Environment Department has indicated that the Kernighan Neighbourhood Plan should be reviewed to determine if the designated land uses and road pattern should be revised to accommodate the possible disposal of the public school site and to provide for a pedestrian and bikeway access from the internal neighbourhood street to Upper James Street.

Development within the Kernighan Neighbourhood has been proceeding in accordance with the approved neighbourhood plan (see Appendix "F"). The road network has been established through the planning approvals for the "Parkway Manor" and "Blossom Estates" subdivisions and the rezoning of the rear of 1200 Upper James Street for single detached dwellings.

The 1996 Parks Expenditures Policy report identified a parkland deficiency in the Kernighan Neighbourhood. It should be noted that if the school site is declared surplus, then a portion of these lands could be incorporated into the municipal parkland to address the existing deficiency.

The approved Kernighan Neighbourhood Plan identifies a bicycle route along Blossom Lane which connects the internal streets with Upper James Street. At

the time of development review for the school site (for either an elementary school through site plan review or for a rezoning application for alternative uses), connections between the internal road network and Blossom Lane can be further examined. As such, an additional off-street access from the "Parkway Manor" subdivision to Upper James Street via the Regional owned lands is not required.

6. The Building Department has advised lot areas have not been provided to determine compliance with the applicable provisions of the Zoning By-law. Based on the plan submitted, Lots 21, 22, 29 and 30 do not appear to comply with the minimum lot area (360 m²) requirements of the "C" District. In this regard, the lot widths of Lots 21-24, inclusive and Lots 29-32, inclusive, have been adjusted to provide the minimum required lot area of 360 m².

Prior to finalization of the subdivision, the applicant will be required to submit a certified list, prepared by an Ontario Land Surveyor, showing the net lot area and width of each lot and block demonstrating that the proposed lots comply with the Zoning By-law. The applicant will be required to ensure that the minimum required lot width and lot area requirements of the "C" District are met prior to registration of the subdivision.

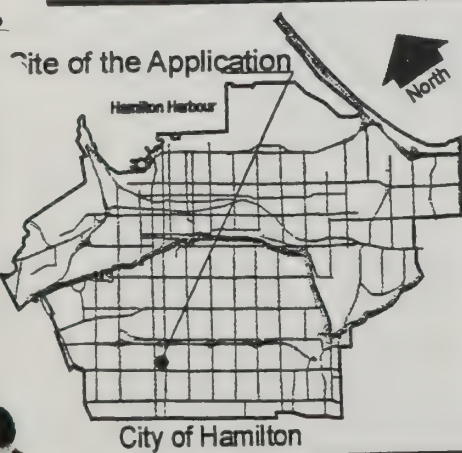
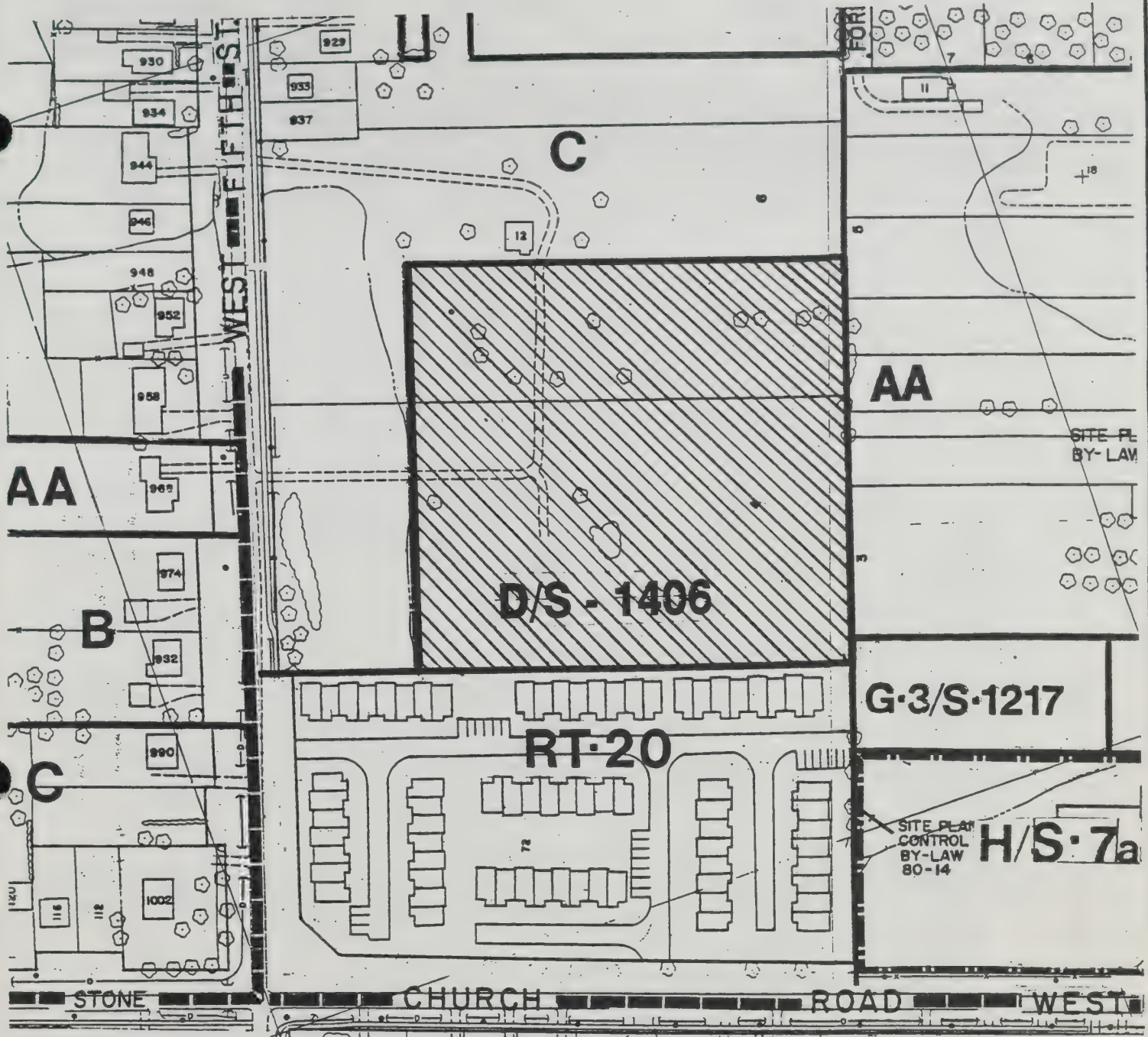
7. The approved Kemighan Neighbourhood Plan designates a site for park and recreational uses to the north of the subject lands. As such, rather than requiring the developer to dedicate 5% of the total area of the subdivision for parkland, the proponent will be required to make a 5% cash-in-lieu payment to the City of Hamilton as a condition of draft plan approval.

CONCLUSION:

On the basis of the foregoing, the amended applications can be supported.

SR/sr

SA-98-01(R).doc



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Change in Zoning from:



"D" (Urban Protected Residential - One and Two Family etc.) District, modified to
"C" (Urban Protected Residential) District, modified

Reference file:

ZAC-99-06

Scale

Not to Scale

Date

March, 1999

Technician:

B. B.

APPENDIX 'A'



City of
HAMILTON

11 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-2700 / Fax (905) 546-2095

JUL 06 1998

TO	
FROM	
SUBJECT	
DATE	
TIME	
BY	CG
FOR	
FILE NO.	SR-3
CART.	
ADMIN.	

1998 July 2

Mr. J. D. Thoms
Commissioner of Planning and Development
Planning and Development Department
The Regional Municipality of Hamilton-Wentworth
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Dear Sir:

Re: ZAC-98-13 and SA-98-01 "Woodland Meadows", lands east of West 5th Street and north of Stone Church Road West

Council at its meeting of 1998 June 30 approved section 2 of the Thirteenth Report of the Planning and Development Committee as follows:

- 2.A. (a) That approval be given to Revised Subdivision Application 98-01 (Regional File No. 25T-98003), Valery Construction Company Limited, owner, to establish a draft plan of subdivision "Woodland Meadows", for lands east of West 5th Street and north of Stone Church Road West, comprising of 18 lots for single family dwellings, 8 lots for semi-detached dwellings, 5 blocks for street townhouses, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", as shown on the attached map marked as Appendix "C", subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by J.P. Wooley, O.L.S. dated March 10, 1998, showing 18 lots for single detached dwellings, 8 lots for semi-detached dwellings, 5 blocks for townhouse units, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", attached as Appendix "D"; and,

- (ii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
- (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
- (iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
- (viii) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:
 - 1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:
 - a. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - b. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,
 - c. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

- d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
- 2. That the requirements of the approved erosion and sediment control plan be included within the Subdivision Agreement for this property; and,
 - (ix) That the 5.18m road widening on West 5th Street, shown as Block 33, be dedicated to the Region of Hamilton-Wentworth for road widening purposes on the final plan; and,
 - (x) That Block 32 be removed and established as Street "A" on the final plan; and,
 - (xi) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all lots within the plan of subdivision abutting West 5th Street and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that noise levels originating from West 5th Street may become of concern, occasionally interfering with some activities of the occupant.
 - (xii) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all Lots and Blocks within the subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.
 - (xiii) That a 1m by 1m daylight triangle road widening be established at the intersection of the "public street" and West 5th Street from Lot 1; and,

- (xiv) That a minimum 4m by 4m daylight triangle road widening be established on Lot 15 and 26 at the L-shape bend in the road on Street "A" and Street "B" to accommodate the off tracking of vehicles through the 90 degree bend in the 18.0m road allowance; and,
- (xv) That a 2m by 2m daylight triangle be established at the corner of Street "B" and the "public street" to West 5th Street from Block 14; and,
- (xvi) That prior to the final approval of 18m road rights-of-ways for the new "public street" to West 5th Street and Streets "A" and "B", the applicant/owner must provide written confirmation from all the respective Utility Companies that their facilities can be accommodated within the 18m right-of-way while still maintaining the standard municipal roadway cross section and municipal sidewalk locations. The owner will provide and pay for permanent conduit as required for various utilities due to the reduced road allowance width; and,
- (xvii) That the owner be required to pay for the entire construction of Street "A" from West 5th Street easterly; and,
- (xviii) The outside corner street radius on Street "A" should be decreased from 21.5m to 15m; and,
- (xix) That the applicant/owner provide the future replacement of Street "A" from Street "B" to West 5th Street with a walkway. This includes curb/street removal, landscaping and the curb alterations required at the intersections of Street "B" and Street "A" and Street "A" and West Fifth Street; and,
- (xx) That the owner establish and convey a .30m reserve, shown as Block 32, along the south side of Street "A" to the City of Hamilton on the final plan for the purposes of access control; and,
- (xxi) That the Owner provide and implement a Landscape and Tree Preservation Plan to the satisfaction of the Commissioner, Regional Environment Department; and,

- (xxii) That the owner grant the City temporary right-of-way over Lots 9, 20, 21 and 31 in order to construct the standard 9m radius turning circles and provide a minimum of 6m behind the turning circle for snow storage, the construction of temporary drainage facilities and the temporary location of Utilities, as required; and,
- (xxiii) That the owner agree not to request Building Permits for Lots 9, 20, 21 and 31 until such time as the temporary cul-de-sacs have been removed and a permanent street has been constructed adjacent to these lots to the satisfaction of the City of Hamilton; and,
- (xxiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98003), Valery Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

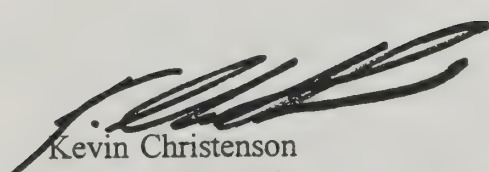
B. That approval be given to Amended Zoning Application 98-13, Valery Construction Company Limited, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "2") for lands located east of West 5th Street and north of Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District; and,

- (c) That the "D" (Urban Protected Residential - One and Two Family District, etc.) District regulations, as contained in Section 10. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10.(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
 - 1. not less than 10 single family dwellings; and,
 - 2. not more than 8 two-family dwellings; and,
 - 3. not more than 16 street townhouse dwelling units subject to the "RT-30" District provisions of Section 10F.
 - (ii) That notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:
 - 1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,
 - (iii) That notwithstanding Section 10F.(9) of Zoning By-law No. 6593, for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,
 - (iv) That notwithstanding Section 10F.(4)(a) of Zoning By-law No. 6593, the following shall apply:
 - 1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,
- (d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1406, and that the Block "2" on Zoning District Map W-9C be notated S - 1406; and,

- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (f) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Blocks "1" and "2" to Schedule "A", including single family and two family dwellings; and,
- (g) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Blocks "1" and "2", including single family and two family dwellings under Site Plan Control; and,
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (i) That upon finalization of the implementing Zoning By-law, the approved Kernighan Neighbourhood Plan be amended to redesignate Blocks "1" and "2" from "Civic & Other Institutional" and "Utilities" to "Single & Double & Attached Housing" Residential and to recognize the road pattern and lotting configuration as shown on the revised draft plan of subdivision. In addition, a notation should be added to the Kernighan Neighbourhood Plan to indicate that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

Yours Truly

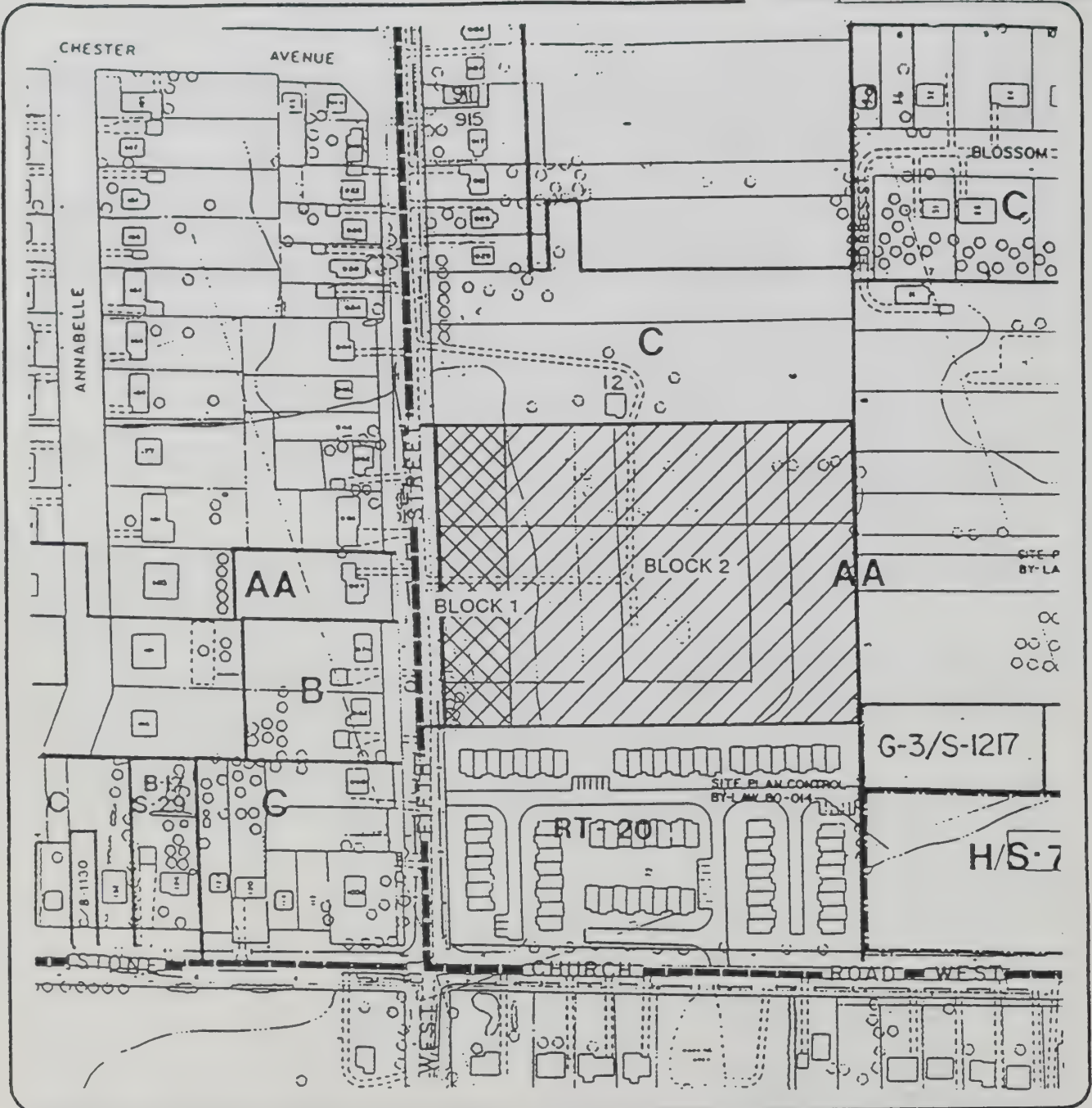


Kevin Christenson
Acting City Clerk

attach.

X A.
cc

Victor Abraham, Director
Planning and Development Department



Legend

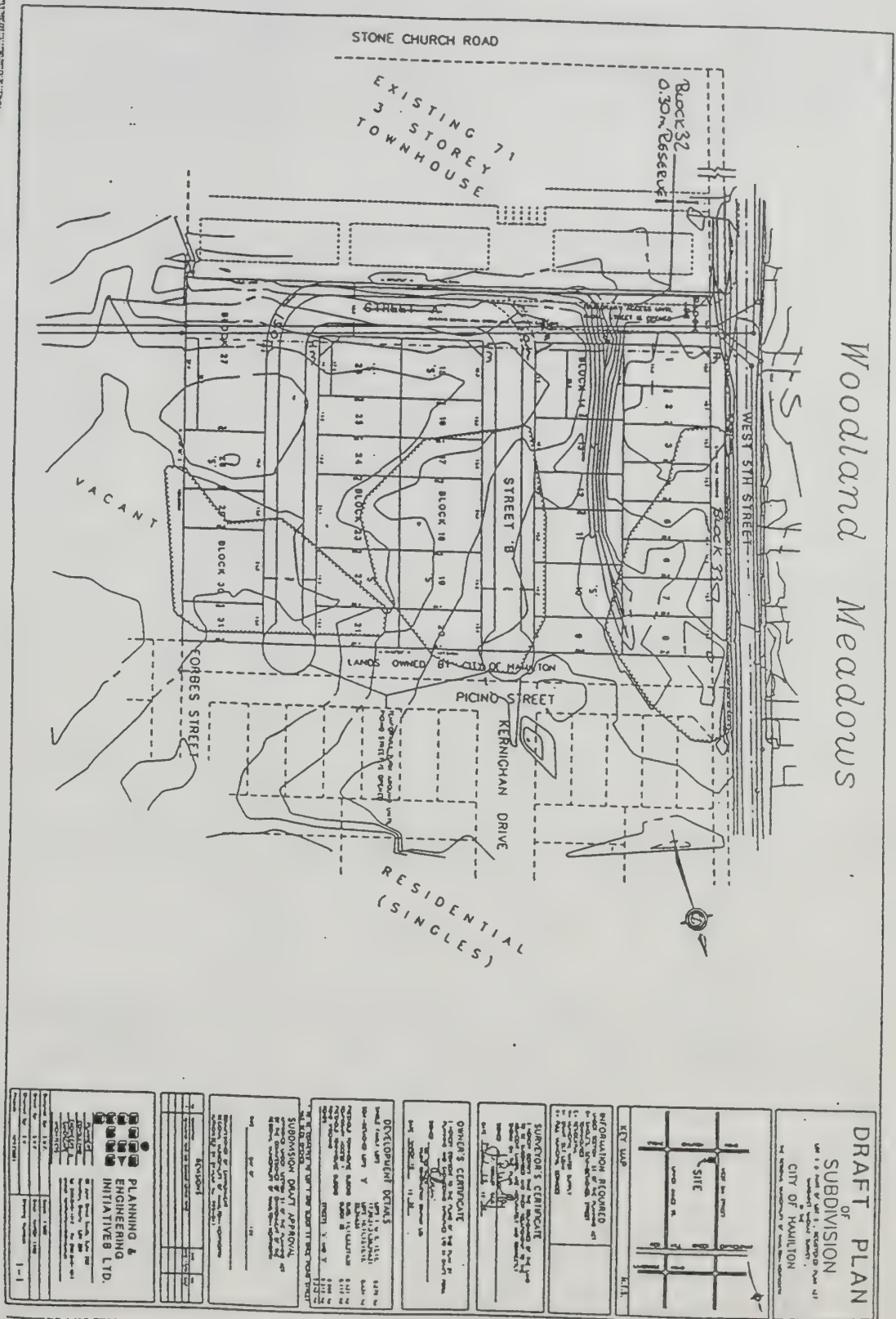
- BLOCK 1** Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- BLOCK 2** Change in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District, modified.

City of Hamilton

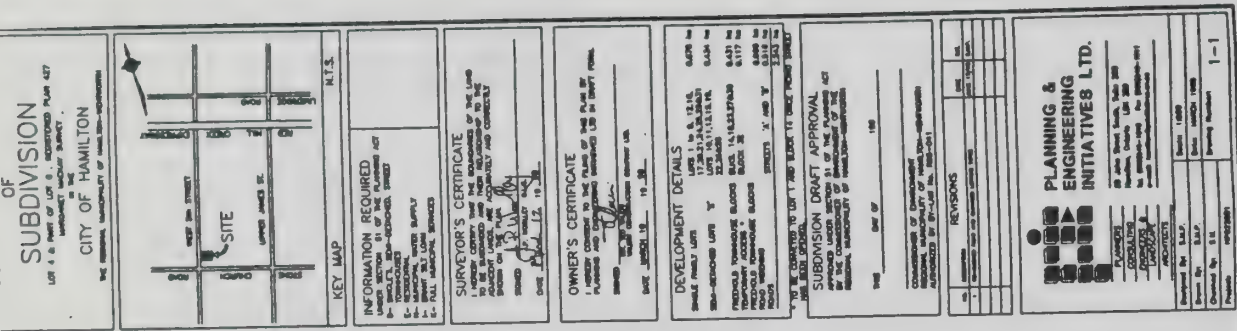
Location Map

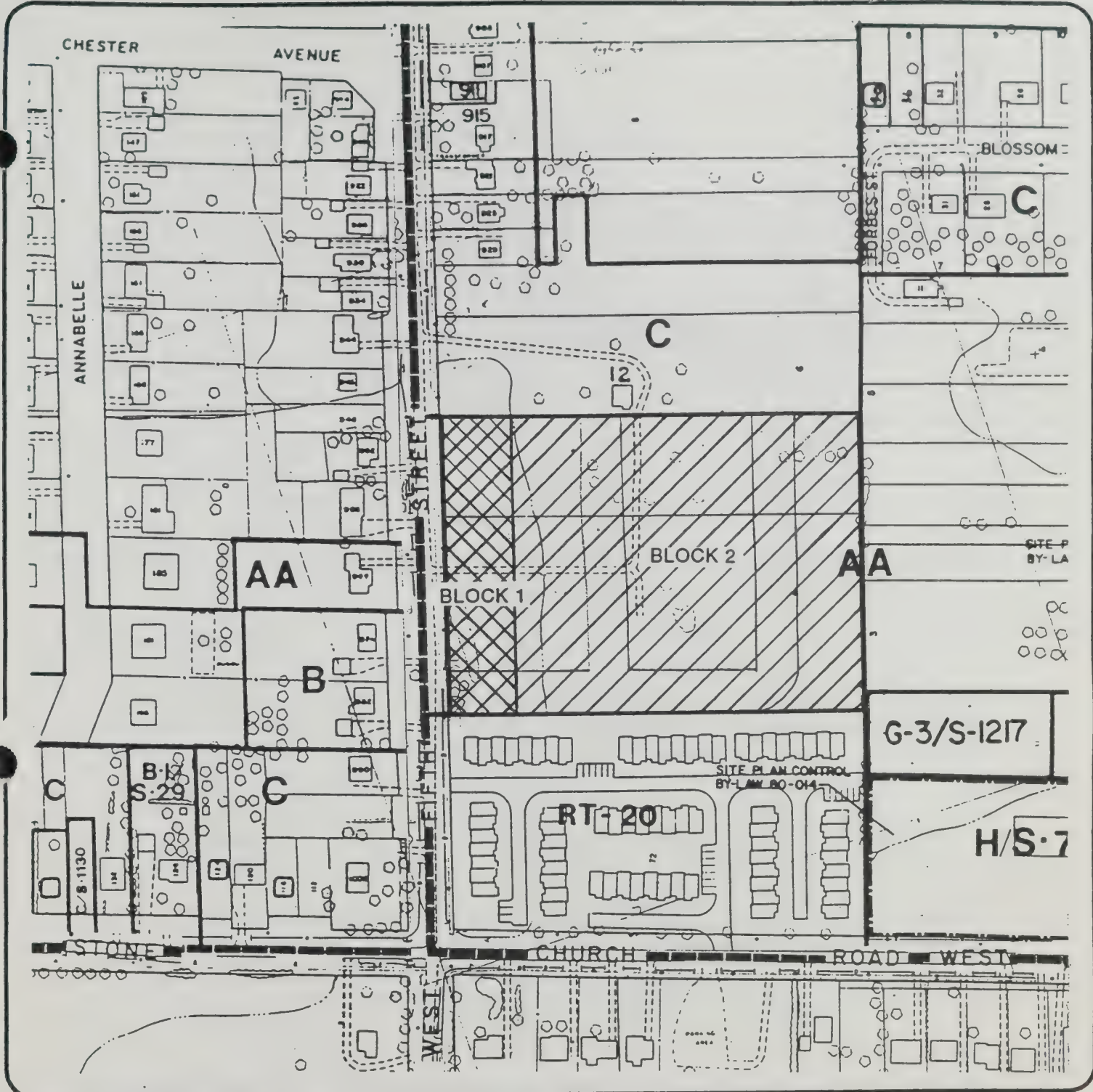
Planning and Development Department

<p>North</p>	<p>Scale NOT TO SCALE</p>	<p>Reference File number ZAC 98-13</p>
	<p>Date June 1998</p>	<p>Drawn By R.L.</p>



SUBDIVISION
OF





Legend

BLOCK 1 Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

BLOCK 2 Change in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District, modified.

City of Hamilton

Location Map

Planning and Development Department

North

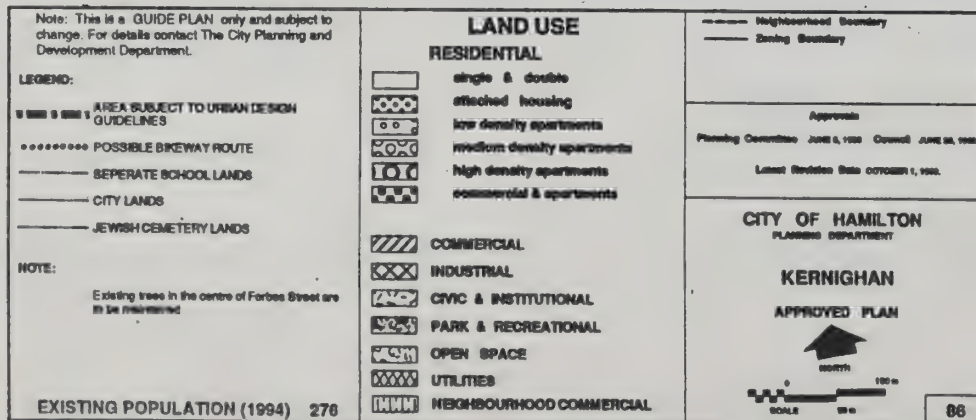
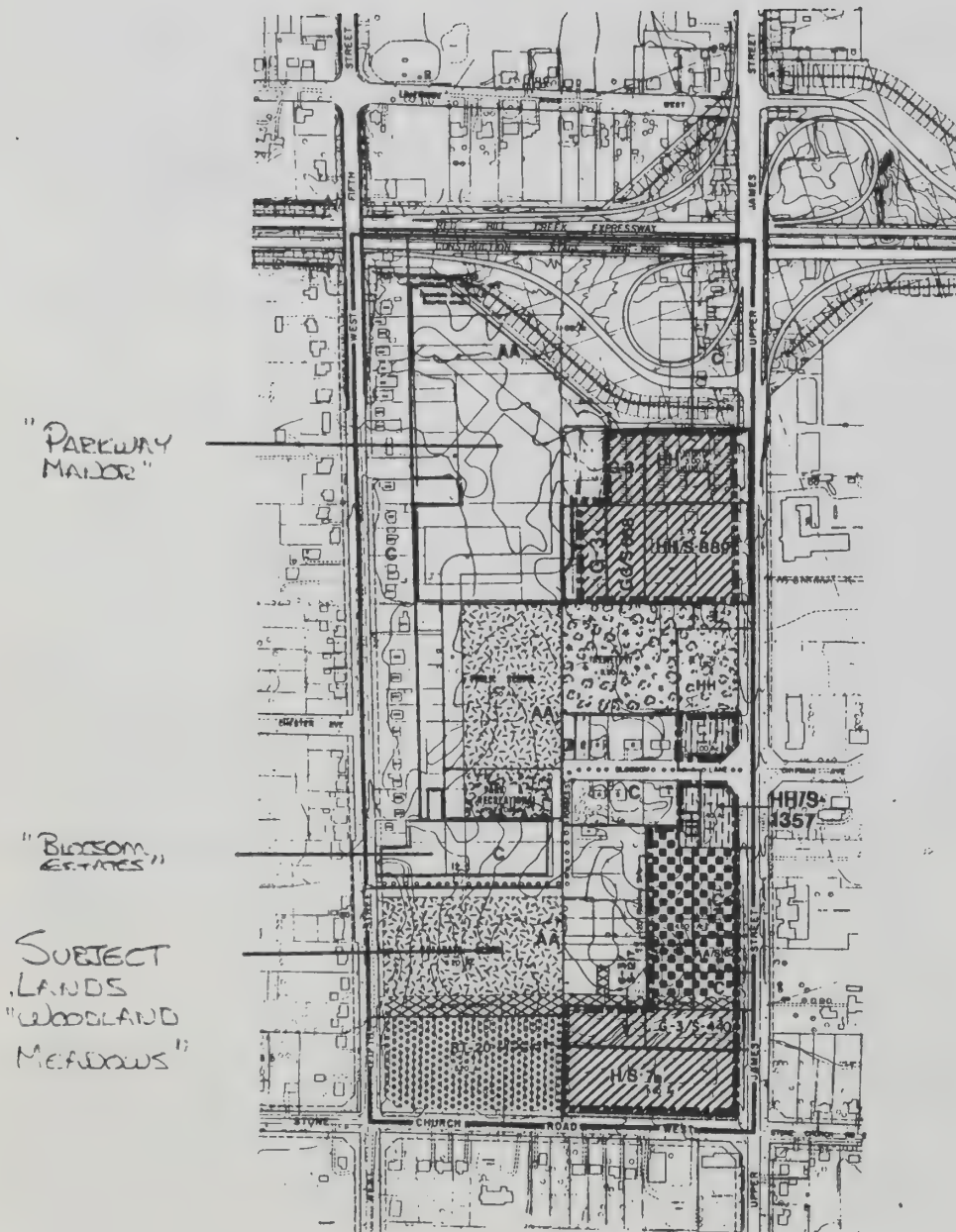


Scale
NOT TO SCALE

Reference File number
ZAC 98-13

Date
June 1998

Drawn By
R.L.



CITY OF HAMILTON

- RECOMMENDATION -

3

DATE: 1999 March 17
(OPA-HIA)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Proposed Official Plan Amendment - Heritage Impact Assessment

RECOMMENDATIONS:

A. That approval be given to the proposed Official Plan Amendment, to incorporate provisions in the Official Plan to require a Heritage Impact Assessment where heritage resources are affected by major redevelopment and development proposals, as follows:

i) Subsection C.6 - Heritage Resources be amended by including the following new policies:

6.9 A Heritage Impact Assessment may be required by the City for any development or redevelopment, both public and private initiatives, that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that meet one or more of the following criteria:

- i) The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act;
- ii) The buildings/structures are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest or are adjacent to buildings/structures listed on the City's Inventory of Buildings of Architectural and/or Historical Interest;
- iii) The site has or is adjacent to a site that has open spaces, vistas or cultural heritage landscapes that are listed on the Cultural Landscape Resources Inventory approved by the Local Architectural Conservation Advisory Committee (LACAC); or,

- iv) The properties are within or adjacent to a Heritage Conservation District.

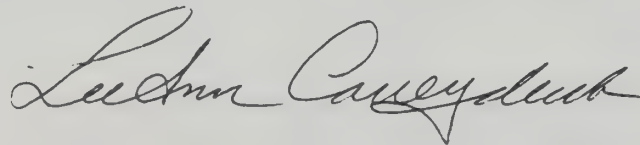
6.10 The Heritage Impact Assessment will be processed simultaneously with the development or building permit applications when submitted to the City. The Heritage Impact Assessment will be reviewed by the Local Architectural Conservation Advisory Committee (LACAC) and any decisions will be delayed until such time as the review is completed by LACAC.

6.11 The Heritage Impact Assessment will contain the information detailed in the Heritage Impact Assessment Guidelines. These guidelines will be approved by City Council and any amendments to the Guidelines will require Council approval.

6.12 Where an environmental assessment for a proposal is processed under federal or provincial environmental assessment regulations, that assessment will be considered as fulfilling the Heritage Impact Assessment under policy 6.9, provided a professional assessment of the architectural, historical, archaeological and/or landscape value is included.

- ii) That the General Manager of the Community Planning and Development Division be authorized and directed to prepare a by-law, to the satisfaction of the Director of Legal Services and Corporate Counsel, for submission to the Region of Hamilton-Wentworth.

B. That the *Heritage Impact Assessment Guidelines*, attached as APPENDIX "A", be adopted by City Council.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

These Official Plan policies will implement Section 2 of the Planning Act and the Provincial Policy Statement.

BACKGROUND:

There are a number of sites in the City which contain valuable heritage resources. Heritage resources include buildings, structures, districts, cultural heritage landscapes, vistas, either individually or in a group that are considered to have historic, archaeological,

scenic and architectural significance. These resources also include monuments, archaeological and historic sites

In recent months, there have been some sites (i.e. 723 Rymal Road West and Auchmar Village) that have contained valuable heritage resources and the design of the plan of subdivision could have benefited from a Heritage Impact Assessment. There are also a number of other sites which may be redeveloped in the foreseeable future (i.e. Hamilton Psychiatric Hospital, McMaster University, Chedoke Hospital, lands in or adjacent to the Gore Park Area, etc.). At the present time, there is no formal process in place that would alert a prospective purchaser to the importance of the site; nor is there a process which would allow the City to evaluate these resources in the context of redevelopment.

WHAT IS A HERITAGE IMPACT ASSESSMENT?

A Heritage Impact Assessment is a study that identifies potential impacts of redevelopment/development on heritage resources in a particular location. The goal of the Plan is to identify those resources which will be impacted and to provide mitigative measures that would minimize impacts on such resources.

This assessment is similar in nature to other existing Assessments including Environmental Impact Statement for Environmentally Significant Areas/Woodlots/Wetlands; Tree Preservation Plans; and Traffic Impact Assessments for traffic studies/issues.

BASIS FOR A HERITAGE IMPACT ASSESSMENT

The Planning Act makes specific reference to the protection of heritage resources. Section 2(d) states:

"the Council of a municipality, in carrying out their responsibilities under this Act, shall have regard to...matters of provincial interest such as the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest"

In addition, the Provincial Policy Statement includes the following policy:

"2.5.1 Significant built heritage resources and cultural heritage landscapes will be conserved."

The Province has recognized the importance of both the built form and cultural heritage landscapes in communities as a matter of Provincial interest.

HOW IS A HERITAGE IMPACT ASSESSMENT IMPLEMENTED?

As noted in the section above, there is a basis for the implementation of the Heritage Impact Assessment.

Similar to other municipalities, it would be beneficial to include the direction for these Assessments in the Official Plan. As such an Official Plan Amendment is required.

As a companion document, Heritage Impact Assessment Guidelines should be prepared which would outline:

- Details of a heritage impact assessment;
- Glossary of terms; and,
- Approval process.

These two documents, combined, would form a complete package.

UNDER WHAT CIRCUMSTANCES ARE HERITAGE IMPACT ASSESSMENTS REQUIRED?

The owner/developer may be required to submit a Heritage Impact Assessment for review and comment by the Community Planning and Development Division, when a development is subject to a plan of subdivision, severance, official plan amendment, rezoning and/or site plan application and where a property contains:

1. The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act;
2. The buildings/structures are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest or are adjacent to buildings/structures listed on the City's Inventory of Buildings of Architectural and/or Historical Interest;
3. The site has or is adjacent to a site that has open spaces, vistas or cultural heritage landscapes that are listed on the Cultural Heritage Landscape Resources Inventory approved by the Local Architectural Conservation Advisory Committee (LACAC); or,
4. The properties are within or adjacent to a Heritage Conservation District.

This Heritage Impact Assessment will be done prior to, or in conjunction with, planning approvals. In this regard, any conditions that may be imposed, will be incorporated into the conditions of approval. (see APPENDIX "A-1")

It should be noted this Heritage Impact Assessment is intended to be used for larger developments where the proposal has the potential to impact the heritage resources. Examples include a 18 storey building adjacent to Gore Park, the redevelopment of the

HPH grounds, etc.). There are developments which are small and/or have minimal impact on heritage resources (i.e. small additions, accessory structures, etc.) and such assessments would not be necessary. For the information of the Committee, there is another process currently in place that allows the staff to review certain heritage impacts; however, it does not provide a comprehensive review of heritage resources. This process is:

- Heritage permit in accordance with the Ontario Heritage Act. Proposals that affect buildings designated individually or as a heritage conservation district have to have their plans reviewed and approved by the City, with assistance from LACAC.

A Heritage Impact Assessment would be the **exception** rather than the rule.

EXPERIENCES OF OTHER MUNICIPALITIES

At the present time, there are three municipalities that actively use Heritage Impact Assessment /Heritage Impact Statements as a tool to evaluate heritage resources as part of a development or redevelopment process.(see APPENDIX "A-2")

Caledon has included an extensive policy in their Official Plan which identifies what a Heritage Impact Assessment is, when it is required, as well as the contents of a Heritage Impact Assessment. They have no guidelines since all the necessary direction and information has been incorporated into their OP policies.

Kitchener also uses Heritage Impact Assessment in their approval processes. The basis of the Assessment is included in both the City and regional OP's. There are also guidelines which set out what is to be included in a Heritage Impact Assessment, as well as the approval process.

Oakville has an Official Plan policy that requires Heritage Impact Assessments to be completed, if necessary during the planning approval process.

ADVANTAGES AND DISADVANTAGES OF A HERITAGE IMPACT ASSESSMENT

In a true assessment of any new process, both advantages and disadvantages are important to consider.

Advantages

1. At the onset, the City can inform the developer/owner or prospective owner/developer of the potential of the heritage resources on the site.
2. It provides the City with a mechanism to evaluate and mitigate impacts on heritage resources on the site.

3. It may provide the developer/owner with some alternative suggestions/designs/ideas that could be incorporated into development/redevelopment applications.
4. It has the potential to preserve and perhaps enhance the heritage resources of the site. Incorporation of heritage features would allow for more unique types of development, as well as allowing for the preservation of a part of Hamilton's history
5. It would not necessarily increase the time required for the development approval because, as is often the case additional engineering or planning studies (i.e. storm water management, noise studies, soil studies, tree preservation, archaeological assessment) may be required for development approvals.
6. It could help minimize or avert confrontational situations where Neighbourhood/heritage/community groups oppose a proposed development.

Disadvantages

1. There will be an increased cost to the developer in the preparation of a Heritage Impact Assessment and possible modifications to the proposal
2. Development options may be limited by the preservation/conservation of heritage resources.
3. Never the less, on rare occasions and depending on the complexity of the development proposal, additional time may be required for the approval process,

COMMENTS RECEIVED

The draft report was sent to the following associations for comment and review;

- Hamilton and Halton Home Builders Association (HHHAB);
- LACAC;
- Architectural Conservancy of Ontario;
- CAPIC;
- Durand, Beasley, Central/North End (CANEW), Stinson, Corktown, Beach, St. Clair Boulevard and St. Clair Avenue Neighbourhood Associations: and,
- Hamilton Historical Board.

LACAC advised that

"LACAC support the proposed Official Plan amendment, to incorporate provisions in the Official Plan to request a Heritage Impact Assessment where heritage resources are affected by major redevelopment and development proposals."

Architectural Conservancy of Ontario and the Hamilton Historical Board, support the use of the Heritage Impact Assessment in the planning process and suggested minor technical changes to make the report and amendment clear and more thorough.

Corktown Neighbourhood Association has advised they *"applaud and welcome the efforts to preserve Hamilton's prominent historical properties"* However, they would like to see the use of the Heritage Impact Assessment extended to areas that are of heritage interest however are not formally designated (i.e. houses on Augusta and Walnut Streets) , listed or within an Heritage Conservation District. *"All the downtown neighbourhoods should be inventoried and promoted historically¹. The preserving of such a rich source of our beloved City's past must be given attention and very careful consideration."*

CANEW have verbally advised they support the use of the Heritage Impact Assessment in the planning process.

CAPIC has verbally advised they support the use of the Heritage Impact Assessment. However, the Heritage Impact Assessment procedures should minimize impacts on developers particularly in terms of design and cost.(letter under separate cover)

To date, there have been no comments from the HHHAB, Durand, Beasley and the Stinson neighborhood associations.

SUMMARY:

A Heritage Impact Assessment is a tool used by other municipalities in Ontario which allows the municipality and the land owner to assess the heritage resources on or adjacent to the property and to make informed decisions about the ability of these resources to be incorporated into a development proposal.

The preferred implementation tool is two fold:

1. To identify the need for Heritage Impact Assessments in the Official Plan and under what circumstances:
2. To prepare a set of guidelines which detail how the assessment is to be completed. These Guidelines would become Council adopted policy.

Should there be any change in the methodology used in Heritage Impact Assessment then the guidelines could be changed by a resolution of Council instead of an OPA. These Guidelines are similar to other Guidelines the City uses including Neighbourhood Urban Design Guidelines, etc.

¹ During the preparation of the Corktown Neighbourhood Plan, several potential Heritage Conservation Districts were identified. LACAC will be reviewing this. In the Stinson Neighbourhood Plan, an inventory of the buildings of architectural and/or historical interest were identified. The next step is to identify specific Heritage Conservation Districts and then prepare a Plan for these areas.

CONCLUSION:

Based on the above, it would be appropriate to amend the Official Plan and to adopt Guidelines for the completion of a Heritage Impact Assessment in cases where existing heritage resources may be impacted because of development or redevelopment.

The intent of the policies is **not** to impede development but rather to identify opportunities and alternatives where heritage resources can be enhanced in a development/redevelopment proposal.

JHE/NC

C:\MISCPLAN\Heritage Impact Assessment
march 15,99

Heritage Impact Assessment Guidelines

WHAT IS A HERITAGE IMPACT ASSESSMENT?

A Heritage Impact Assessment is a study that identifies potential impacts of redevelopment/development on heritage resources in a particular location. The goal of the Plan is to identify those resources which will be impacted and provide mitigative measures that would minimize impacts on such resources.

UNDER WHAT CIRCUMSTANCES ARE HERITAGE IMPACT ASSESSMENTS REQUIRED?

In cases of plans of subdivision, severance, official plan amendments, rezoning, site plan, where a property contains:

1. The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act;
2. The buildings/structures are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest or are adjacent to buildings/structures listed on the City's Inventory of Buildings of Architectural and/or Historical Interest;
3. The site has or is adjacent to a site that has open spaces, vistas or cultural heritage landscapes that are listed on the Cultural Heritage Landscape Resources Inventory approved by the Local Architectural Conservation Advisory Committee (LACAC); or,
4. The properties are within or adjacent to a Heritage Conservation District

then the owner/developer may be required to submit a Heritage Impact Assessment for review and comment by the Community Planning and Development Division. The necessity of the Heritage Impact Assessment will depend on the magnitude of impact on the heritage resources.

This Heritage Impact Assessment will be done prior to or in conjunction with the approvals required for the plan of subdivisions. In this regard, any conditions that may be imposed, can be done through the conditions of approval for the development applications

HOW DOES THE HERITAGE IMPACT ASSESSMENT FIT INTO THE PLANNING PROCESS?

APPENDIX "A-1" graphically illustrates how the Heritage Impact Assessment fits into the planning process. Every effort will be made by the Community Planning and Development Division to ensure the property owner/developer is aware of the heritage resources on or adjacent to the property and whether or not an assessment is required. Staff will meet with the proponents to talk about their particular property.

The Heritage Impact Assessment process is similar to other studies where additional information is required to be supplied by the proponent before a decision on the development applications can be rendered. As the applications are being processed the appropriate staff will process the Heritage Impact Assessment which includes receiving input from LACAC.

If changes are required to the plan/building etc., then additional time may be required. The comments on the Heritage Impact Assessment will form part of the report to the Planning and Development Committee/Committee of Adjustment on the development application.

WHO REVIEWS A HERITAGE IMPACT ASSESSMENT ?

The Heritage Impact Assessment is not approved in a formal sense (i.e. Planning and Development Committee). A report on the Heritage Impact Assessment will be prepared by the staff of the Community Planning and Development Division and then presented to LACAC for their review. If there are conditions to be applied to the development proposal, they will be incorporated into the Planning report presented to the Planning and Development Committee.

If the proponent does not agree with the staff comments on the Heritage Impact Assessment, then he/she will have an opportunity to present his/her views to the Planning and Development Committee

WHAT INFORMATION IS REQUIRED FOR A HERITAGE IMPACT ASSESSMENT?

A Heritage Impact Assessment is to be prepared by a person qualified as a professional heritage consultant. Similar to planners, heritage consultants are members of a professional organization called the Canadian Association of Professional Heritage consultants.

As part of the Heritage Impact Assessment, the heritage consultant will be required to address the *"Eight Guiding Principles in the Conservation of Historic Properties"*, prepared by the Ontario Ministry of Citizenship, Culture and Recreation.

"The guiding principles are ministry statements in conservation of historic properties and are based on international charters which have been established over a century. These principles provide the basis for all decisions concerning good practice in architectural conservation around the world. Principles explain the "why" of every conservation activity and apply to all heritage properties and their surroundings."

The Assessment will include:

1. Identification and evaluation of the heritage resources including the completion of a detailed occupational and site biography;
2. Photographic and/or measured drawings of the heritage resources in the context of their setting;
3. Explanation of how the proposal may impact on the heritage resources
4. Identification of several conservation options taking into account the significance of the heritage feature itself, the context of the resource and all applicable municipal, provincial or federal policies regarding heritage matters.

The advantages and disadvantages of **each conservation option** (listed below and in order of preference) that preserve the integrity and the value of the resources will be clearly articulated and the preferred option identified. The following list includes conservation options in order of preference:

- a) Avoidance Mitigation: Preservation/Conservation, Adaptive Re-use, Incorporation
- b) Salvage Mitigation: Relocation, Ruinification and symbolic conservation.
- c) Technical recording mitigation: photogrammetry and as found measured drawings.

GLOSSARY

Adaptive re-use: This technique allows for the use of the resource, particularly buildings and structures, for another function. They are often restored or rehabilitated for this function. In the consideration of this option, the significance of the heritage resource must be kept and/or enhanced.

Facadism: This technique allows the exterior of the building to be retained and the interior removed.

Heritage resources include buildings, structures, districts, cultural heritage landscapes, vistas, either individually or in a group that are considered to have historic, archaeological, scenic and architectural significance. These resources also include monuments, archaeological and historic sites

Incorporation: This option allows for all or part of the heritage resource to be included in the redevelopment scheme either through additions to it, or incorporation into a larger building or structure. Generally, the entire building/structure is retained.

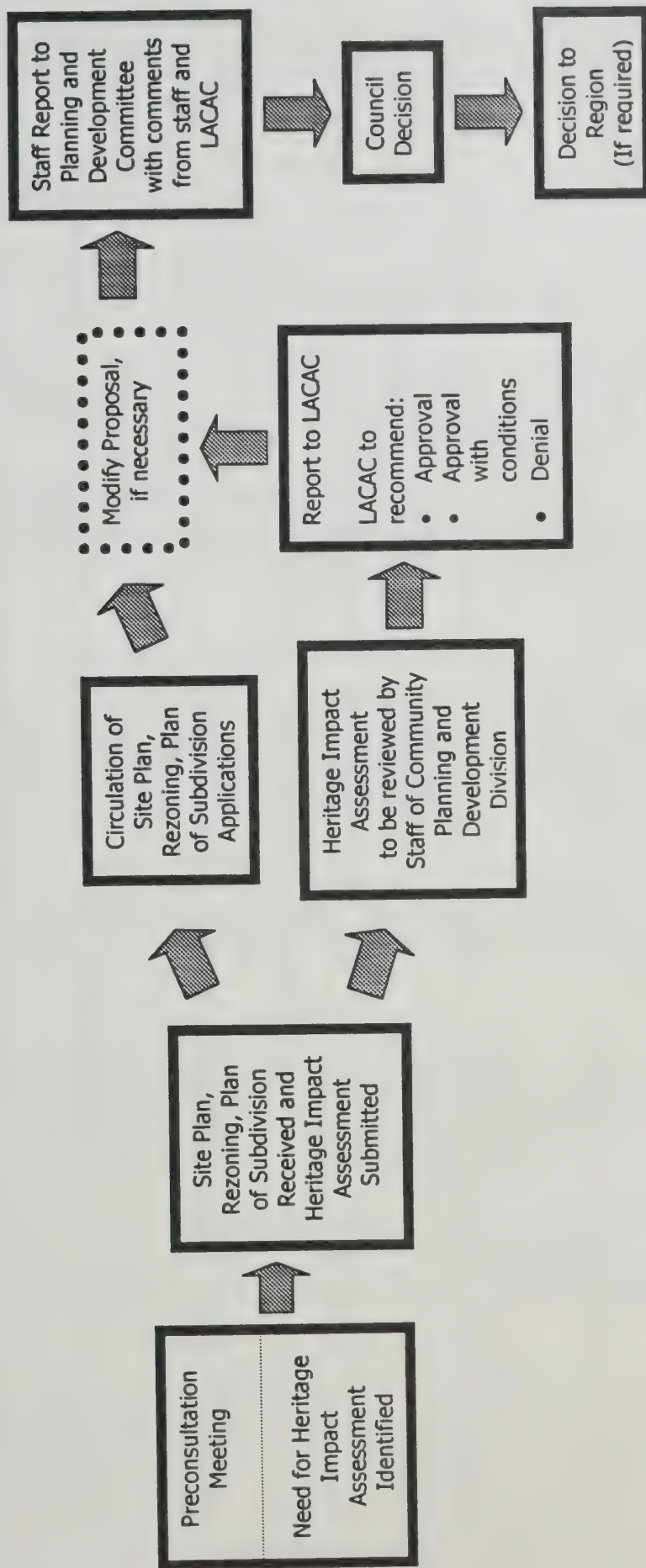
Preservation/Conservation: This technique will allow for the retention of the heritage resources without changing it or altering the setting in which it is located.

Relocation: This technique involves the removal of the heritage resource to another location/setting.

Ruinification: This technique allows the exterior or portion of it to be retained as a ruin and adapted into the use.

Symbolic conservation: This option allows pieces/parts of the heritage resources to be incorporated into the new buildings/structures or the design of heritage features for the building or structure that replicate the existing heritage resource.

HOW THE HERITAGE IMPACT ASSESSMENT FITS INTO THE PLANNING PROCESS



THE USE OF HERITAGE IMPACT ASSESSMENTS IN OTHER ONTARIO MUNICIPALITIES

<i>Municipality</i>	<i>Official Plan Policy</i>	<i>Guidelines</i>	<i>Designated Building/Structure¹</i>	<i>Listed Building/Structure²</i>	<i>Landscape Resource Inventory³</i>	<i>Heritage Conservation District⁴</i>	<i>Archaeological site</i>
Kitchener	Yes	Yes (separate document – Council adopted only)	Maybe required	Maybe required	Maybe required	Maybe required	
Caledon	Yes	Included in OP	required	Maybe required	Maybe required	Required	Maybe required
Oakville	Yes	No	Maybe required	Maybe required	Maybe required	Required	No
Ottawa	Yes	No	required	Maybe required	Maybe required	Required	N/A

Note: Hamilton's proposed OPA resembles the Kitchener model.

¹ Development/Redevelopment of a designated building/structure adjacent to a designated building/structure or contained on the same site as a designated building/structure

² Development/Redevelopment of a listed building/structure, adjacent to a listed building/structure or contained on the same site as a building/structure.

³ Development/redevelopment of a site within or adjacent to a site listed on the Landscape Resource Inventory

⁴ Development/Redevelopment of a building/structure adjacent to or within a Heritage Conservation District.

CENTRAL AREA PLAN IMPLEMENTATION COMM
a Subcommittee of the Planning and Development Committ
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

DATE: 1999 March 17
TC-CAP(C)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mary M. Pocius
Chairperson
Central Area Plan Implementation Committee

SUBJECT: Comments from CAPIC on the Proposed O. P. Amendment
- Heritage Impact Assessment

Mary M. Pocius

RECOMMENDATION:

That the Central Area Plan Implementation Committee (CAPIC) indicates its support for the proposed Heritage Impact Assessment process, as proposed by the Community Planning and Development Division.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The legislative implications of the proposed process are identified in the staff report.

BACKGROUND:

The Central Area Plan Implementation Committee (CAPIC) is a sub-committee of the Planning and Development Committee. It was established primarily to advise on planning-related matters in the Central Area, namely the area from the Bay to the Escarpment, and from Queen to Victoria.

CAPIC reviewed and discussed the proposed Heritage Impact Assessment process at its meetings of February 11 and March 11, 1999. There were questions about how such reviews would be undertaken, and how such matters as heritage vistas would be defined and assessed.

The Committee is in support of the general concept of Heritage Impact Assessment. They agree that it is desirable to have additional control over the preservation of heritage buildings, especially in cases where proposed development would cause significant changes to these buildings.

It was felt that such policies and procedures should be enforceable and binding. Since these policies would be introduced as an amendment to the City of Hamilton Official Plan, they would be fully enforceable.

There was some concern that the proposed process might result in increased cost to developers, and additional time required for development review, as noted in the section on disadvantages in the staff report. CAPIC members suggested that procedures should be designed to minimize these adverse impacts on developers.

CONCLUSIONS:

CAPIC supports the general concept of Heritage Impact Assessment review, and the process as proposed by staff. They recommend that related procedures minimize resulting impacts on developers.

4

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 March 19
P5-2-46
Fessenden Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Amendment to the Approved Fessenden Neighbourhood Plan –
Proposed deletion of the walkway located between Forestgate Drive
and Wendover Drive

RECOMMENDATION:

- (a) That the Approved Fessenden Neighbourhood Plan be amended by deleting the walkway located between Forestgate Drive and Wendover Drive, as shown on the attached APPENDIX "A".
- (b) That the closure and disposal of the walkway located between Forestgate Drive and Wendover Drive in the Fessenden Neighbourhood, as shown on the attached APPENDIX "A", be referred to the Transport and Environment Committee for implementation.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

The City of Hamilton Official Plan requires public participation in the consideration of Neighbourhood Plan Amendments. Council approval is required for all Neighbourhood Plan Amendments.

BACKGROUND

The walkway located between Forestgate Drive and Wendover Drive within the Fessenden Neighbourhood was formally established in 1974 as part of registered plan

of subdivision (Block "B" Plan 62M-127). As a condition of subdivision approval, the walkway was dedicated to the City and has been used as a walkway since that time. The walkway is 3.05 m wide (10 ft.) wide and 61.57 m (202 ft.) deep.

In November 1998, residents in the vicinity of Forestgate Drive approached their ward alderman regarding closure of the subject walkway. The City's Planning and Development Committee subsequently directed City staff to undertake a Neighbourhood Plan review, to consider closure of the subject walkway. Concerns expressed by residents in the area of the walkway include problems of safety and loitering, particularly at night.

Circulation Of Proposed Neighbourhood Plan Amendment to Agencies and Departments

The following Departments had no comments or objections to the proposed Neighbourhood Plan Amendment:

- Traffic and Streets Divisions of the City of Hamilton Department of Public Works and Traffic Department
- City of Hamilton Real Estate Section
- Regional Environment Department
- Hamilton-Wentworth Roman Catholic School Board

The Public Transit Section of the Region of Hamilton-Wentworth Transportation Department advises:

"Transit Service operates in both directions on Upper Paradise Road. Route 34, Upper Paradise will continue to operate for the foreseeable future. Forestgate Drive residents can use the existing bus stop at Hadeland Avenue.

The deletion of the walkway will impact negatively on transit accessibility for 20 dwellings on Forestgate Drive. The walk to/from the bus stop will now be greater than 400 meters for these residents.

Walking distance has a direct bearing on the decision to use public transit. Studies indicate that transit use drops for residents living beyond a 400 meter walk to the bus. A drop in transit use will have an impact on the viability of the Route 34 service, resulting in reduced revenues and an increase in the net operating cost.

The HSR does not support the closure of pedestrian walkways where such a closure results in a drop in route coverage for the neighbourhood."

The Hamilton-Wentworth District School Board advises:

"Please be advised that upon circulation of the above noted plan, the Hamilton-Wentworth District School Board objects to the deletion of such walkway, Schools have advised that a significant number of students access this walkway for both elementary and secondary school travel purposes. Any proposed closure would impact on a student's safe route to school."

Upon request for further information on the schools affected, the Board verbally provided the following information:

At least three schools will be affected by increased walking distances, including the following.

Mountview (K-5) - This school is located on Karen Crescent, in the Mountview Neighbourhood. Children do not walk from the Fessenden Neighbourhood to Mountview; however, they do walk to bus stops in the vicinity of the walkway. The Board feels their walk to bus stops would be affected.

Chedoke (6-8) - This school is located on Bendamere Avenue, in the Westcliffe East Neighbourhood. Children walk from Fessenden neighbourhood to Chedoke School. There are approximately 54 students walking from the area south of Mohawk Road. The Board feels they would be affected by the walkway closure.

Sir Allan MacNab - This secondary school is located within the Fessenden Neighbourhood on Magnolia Drive. The school principal has conducted two surveys of students, and estimates between 250 and 260 students use the walkway daily and would be affected by the closure.

In addition, there are approximately 130 students who live in the Fessenden area that go to other schools. Some of these children might be walking, or accessing the public transit stop at Hadeland Avenue and Upper Paradise Road. The board expects some of these children would be affected.

The Hamilton-Wentworth Regional Police Service, Division Three Crime Analyst advises as follows:

"In response to your request, a review of the walkway located in the Fessenden Neighbourhood has been completed.

An internal records search was conducted for the 1998 year period. One reported incident relating to the walkway was identified; occurrence May 1998. The incident involved loitering disorderly youths.

A sight inspection was conducted on March 5, 1999. In my opinion the walkway is not essential to the neighbourhood and can be considered unsafe for use by children and women especially during night time hours.

I also conducted an internal scan for additional opinions from a police perspective. There was overwhelming support in my opinion regarding the safety risks for both users. Additionally concerns were raised regarding the opportunity the walkway provided for criminals to evade police patrols in the neighbourhood.

The Neighbourhood Crime Report for the Fessenden Neighbourhood shows a 47% reduction in crime in this neighbourhood during 1998 from 1997. A copy of this report (and instructions) is included with this letter. I believe that the closure of this walkway will increase the quality of the neighbourhood and reduce overall safety risks."

Public Participation

Public Meeting

On February 17, 1999, a Public Information meeting was held to consider the walkway closure. Notices were sent to residents and owners in the vicinity of the walkway. The following is a summary of the concerns and issues discussed at the meeting:

Residents opposed to the closure:

- Frequent neighbourhood use for travel to schools, shopping, buses and park. The walkway provides an important link (e.g. to the park).
- The City should concentrate on enforcement, policing and maintenance rather than closure.
- City should install lighting.
- Concerns respecting safety, loitering, crime, vandalism, etc. are larger Neighbourhood issues not unique to the walkway.
- This walkway closure may set a precedence for other walkway closures.
- Abutting residents were aware of the walkway when they purchased their homes.

Residents in favour of the closure:

- Poor maintenance and drainage of the walkway.
- The walkway is not used frequently.
- The walkway is narrow, has poor lighting and visibility, and is a safety problem.
- There is a lack of police attention, and problems with crime and loitering.
- There are negative impacts/nuisances on area residents, such as flooding, noise, litter, reduced privacy, etc.
- The public transit objection is based on a guideline only (e.g. 400 m).
- There is fear of vandalism and property damage.
- The walkway closure would not result in much additional walking distance for pedestrians, a minor inconvenience.
- Poor visibility for pedestrians and cyclists entering and exiting walkway.

At the public meeting, 4 parties were in favour of the walkway closure, 3 parties were opposed to the closure and 2 parties were neither in favour or opposed.

Written Comments/Submissions

In total, 11 letters and comment sheets were submitted. Comments in favour or opposed to the walkway closure were similar to the issues discussed at the public meeting, as noted above.

Four respondents in favour of the walkway closure:

11 Forestgate Drive
 15 Forestgate Drive
 23 Forestgate Drive
 27 Forestgate Drive

Seven respondents opposed to the walkway closure:

3 Forestgate Drive
 7 Forestgate Drive
 20 Forestgate Drive
 51 Forestgate Drive
 63 Forestgate Drive
 240 Wendover Drive
 244 Wendover Drive

Summary of Public Participation

As can be seen above, more participants at the public meeting were in favour of closing the walkway (4 vs. 3). However, more written submissions were received in opposition to closing the walkway (7 vs. 4).

Pedestrian Count

One of the issues discussed at the Public Meeting was the frequency of pedestrian use of the walkway. Some residents suggested that the walkway is not well used, whereas others suggested it is used frequently. To provide a more accurate measure of pedestrian traffic, the City of Hamilton Department of Public Works and Traffic undertook a pedestrian count of the walkway on February 26, 1999. The results of the study are attached as APPENDIX "B". The counts were taken during three peak periods: morning; lunch; and late afternoon/early evening. The results show that a total of 101 pedestrians used the walkway during the peak periods on the day of the study.

PLANNING ANALYSIS

The following are the advantages and disadvantages associated with closing the walkway.

Advantages

- Closure would address neighbourhood concerns regarding safety and visibility for pedestrians using the walkway, as well as fears of vandalism and crime occurring in the walkway. Closure would also eliminate nuisances and negative impacts on abutting property owners resulting from noise, littering, loitering, and drainage.
- The walkway poses safety risks for users, specifically for children and women, and especially during night time hours. In addition, the walkway provides an opportunity for criminals to evade police patrols (i.e. by providing a dark escape

route and hiding place). Police Services comment that closure of the walkway would increase the quality of the neighbourhood and reduce safety risks.

- Safe alternative pedestrian routes are available on municipal sidewalks. Furthermore, the additional distance for pedestrians walking from Forestgate Drive to Wendover Drive would not be increased significantly (i.e. approximately 183 m/600 ft.).

Disadvantages

- The closure may have a negative impact on public transit use, since distances would be increased to over 400 m for 20 dwellings on Forestgate Drive.
- The closure may adversely affect a significant number of elementary and secondary school students who access the walkway for travel to school or bus stops.
- A pedestrian count undertaken by the City suggests that the walkway is well used by the Neighbourhood.

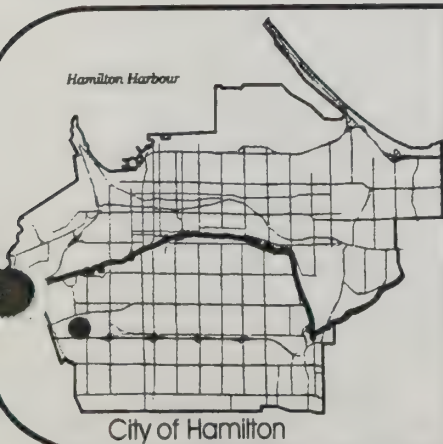
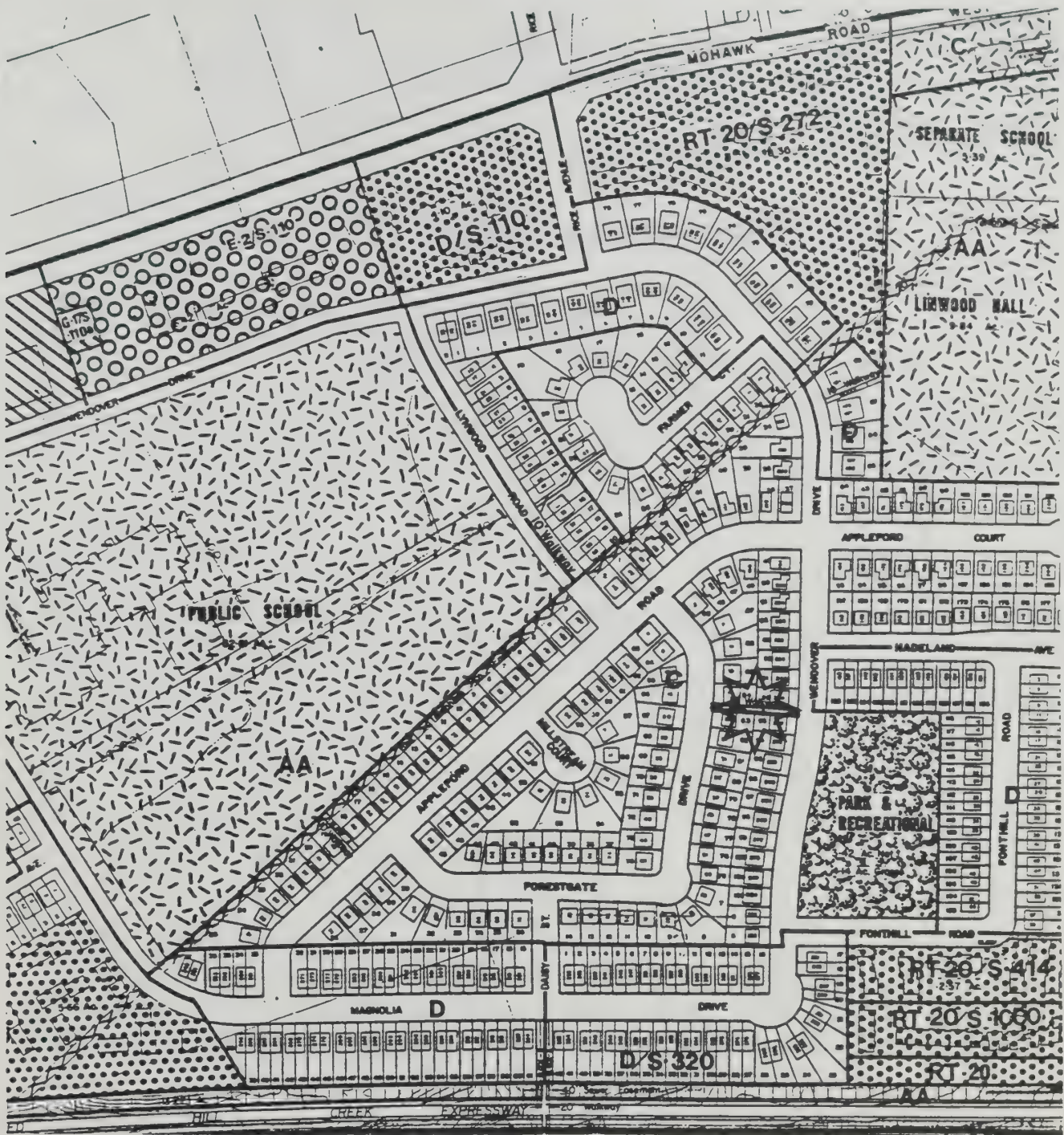
In addition to the above, as noted previously, one of the issues with regard to walkways is the lack of lighting. According to the Public Works Department, the provision of lighting within narrow walkways can be difficult due to the restricted area in which to install poles and underground ducts. Furthermore, lighting in walkways can have negative impacts on the privacy and enjoyment of abutting property owners (i.e. light overflowing into rear yards and rear windows). Lower pedestrian oriented lighting can be used to alleviate these impacts; however, the City's experience is that such lighting is subject to vandalism. In addition, there would be costs associated with the installation and maintenance of lighting within walkways. Based on the foregoing, the provision of lighting within the walkway is not recommended as a solution.

As can be seen from the planning analysis and public participation, closure of the walkway presents both advantages and disadvantages. However, as noted by the Police Services, safety of this walkway is a significant consideration, especially for women and children. Also, the installation of lighting is not a feasible solution to the safety issue. On the other hand, should the walkway be closed, the increased distance for pedestrians, including school children and public transit users, would not be significant. Furthermore, the alternative routes would be on well maintained and lit municipal sidewalks. Consequently, it is felt the advantages to closing the walkway outweigh the disadvantages.

CONCLUSION

Based on the foregoing, it is recommended the walkway be deleted from the Approved Fessenden Neighbourhood Plan.

CLM



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Proposed Neighbourhood
Plan Amendment to delete
walkway.

Reference file:
PS-2-46

Scale
Not to Scale

Date
Nov. 98

Technician:
K.E.



Fessenden Neighbourhood

Pedestrian Walkway

Wendover Drive to Forestgate Drive

Time	Pedestrians		
	E to W	W to E	Total
7:00 to 7:15	0	0	0
7:15 to 7:30	0	0	0
7:30 to 7:45	1	0	1
7:45 to 8:00	0	2	2
8:00 to 8:15	1	1	2
8:15 to 8:30	14	2	16
8:30 to 8:45	9	0	9
8:45 to 9:00	0	0	0
11:00 to 11:15	0	0	0
11:15 to 11:30	0	2	2
11:30 to 11:45	0	1	1
11:45 to 12:00	0	1	1
12:00 to 12:15	1	0	1
12:15 to 12:30	0	2	2
12:30 to 12:45	0	1	1
12:45 to 1:00	0	0	0
2:30 to 2:45	0	2	2
2:45 to 3:00	2	0	2
3:00 to 3:15	0	16	16
3:15 to 3:30	0	17	17
3:30 to 3:45	0	4	4
3:45 to 4:00	0	3	3
4:00 to 4:15	0	0	0
4:15 to 4:30	0	1	1
4:30 to 4:45	2	2	4
4:45 to 5:00	0	2	2
5:00 to 5:15	0	6	6
5:15 to 5:30	0	6	6
Total	30	71	101

Prepared by the Dept. of Public Works & Traffic

EWS

5

DATE: 1999 March 24
(CI-99-B)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Deletion of "Public Parking Lots" as a Permitted Use in the
Downtown Area and "CR" (Commercial/Residential) Districts

RECOMMENDATION:

That staff be directed to give Notice of a Public Meeting for consideration of **City Initiative 99-B** respecting a general text amendment to Zoning By-law No. 6593 to delete “Public Parking Lots” as a permitted use in the Downtown Area and in “CR” (Commercial/Residential) Districts throughout the City, as shown on the attached map marked as APPENDIX “A”.

W. H. H. H.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by The Planning Act, Council shall hold at least one Public Meeting to consider a Zoning By-law Amendment.

BACKGROUND:

- **Planning & Development Committee**

At its meeting of March 24, 1999, members of the Planning and Development Committee expressed concern about the demolition of commercial buildings and the establishment of public parking lots in the Downtown Area. The recent demolition of 39 James Street South and the submission of applications for a Demolition Permit and Site Plan Approval for 25 Hughson Street South were cited as examples. Following discussion, the Committee directed staff to prepare a report for the next meeting respecting the deletion of public parking lots in the Downtown Area.

▪ CI-94-D

The Planning and Development Committee, at its meeting in August 1993, approved the recommendation of CAPIC **"to undertake a City Initiative to delete 'Public Parking Lots' as a permitted use from all zoning districts, except "G-3" (Public Parking Lots) District."**

On October 5, 1994, a Public Meeting of the Planning and Development Committee was held to consider the City Initiative. Following discussion, staff were directed to set up an Ad-hoc Committee so that staff could meet with the various interest groups to review this matter further before a recommendation was considered by Committee (see Appendix "B").

Subsequently, the Planning and Development Committee, at its meeting of 1995 January 25, received for information a report from the Ad-hoc Committee and agreed not to take further action at the time (see APPENDIX "C").

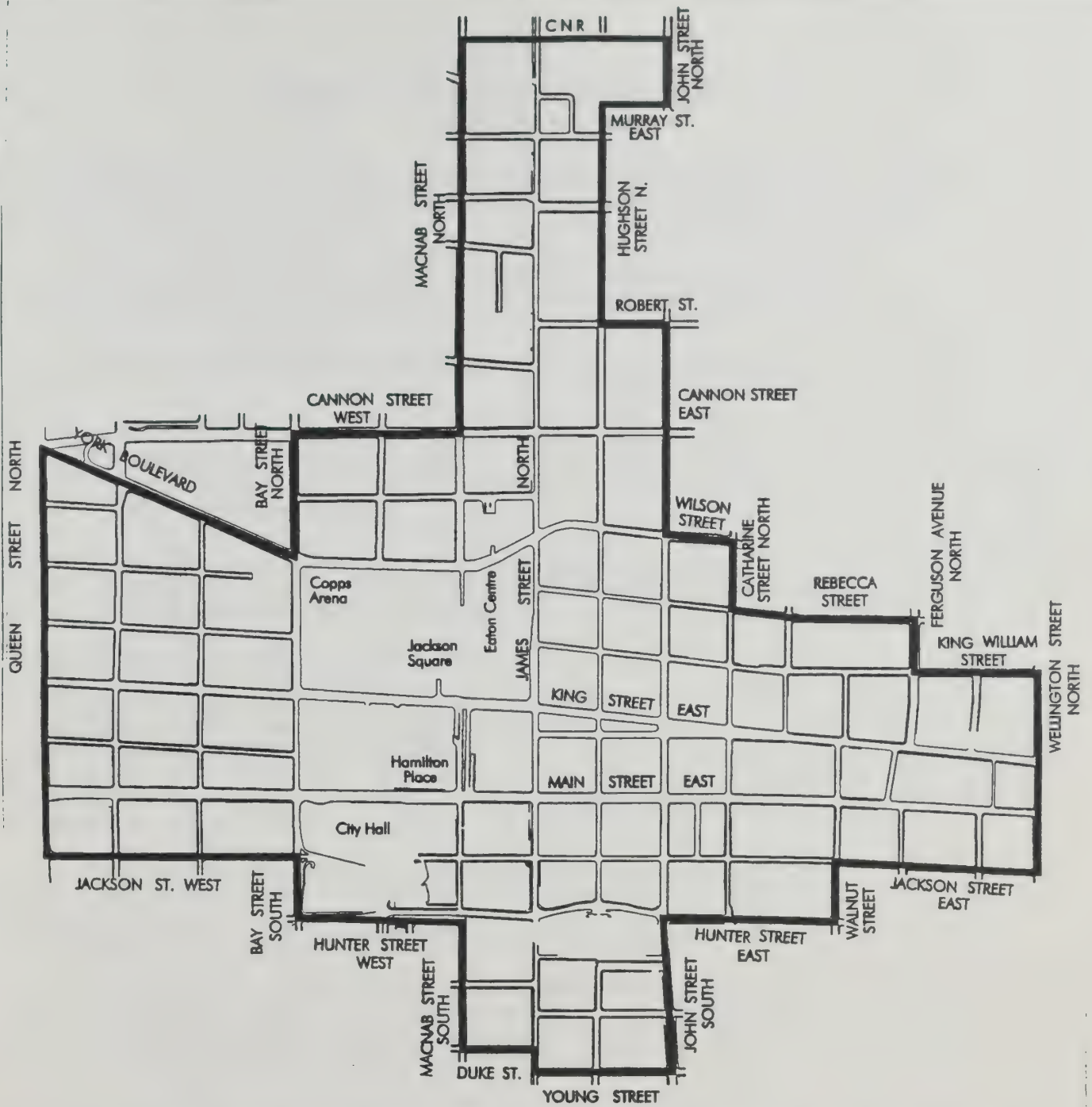
COMMENTS:

The original staff report of 1994 September 28 respecting the Deletion of "Public Parking Lots" as a Permitted Use in the Downtown Area and "CR" (Commercial/Residential) Districts is attached as APPENDIX "D". From a Planning perspective, the recommendations are still considered appropriate.

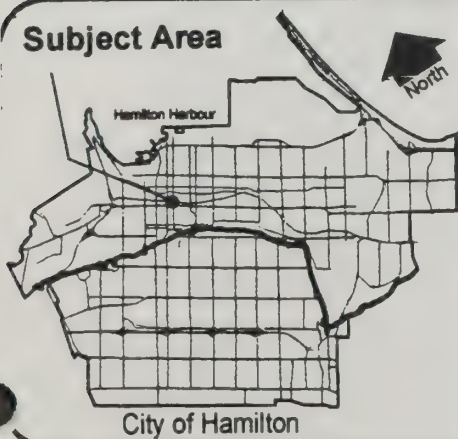
In keeping with the requirements of The Planning Act, a Public Meeting would have to be scheduled before passing a by-law.

CONCLUSION:

Based on the foregoing, it would be appropriate to schedule a Public meeting in accordance with the requirements of The Planning Act, to consider a general text amendment to Zoning By-law No. 6593 to delete "Public Parking Lots" as a permitted use in the Downtown Area and in "CR" (Commercial/Residential) Districts.



Subject Area



PLANNING AND DEVELOPMENT DEPARTMENT

Appendix 'A'

Legend

 Public Parking lots
not permitted within this area

Reference file:
CI-99-B

Scale
Not to Scale

Date
March, 1999

Technician:
D.L.

APPENDIX 'A'

**PLANNING AND DEVELOPMENT COMMITTEE MEETING
OCTOBER 5, 1994**

4. City Initiative 94-D, for a general text amendment to the City of Hamilton Zoning By-Law No. 6593, respecting public Parking Lots in the Downtown Area and "CR" Districts throughout the City

The Committee was in receipt of a report dated 1994 September 28 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Joanne Hickey-Evans, Planning Department, made a presentation with respect to this report.

Alderman McCulloch suggested that the Committee receive the report as presented but set up an Ad-hoc Committee so that Staff could meet with various interest groups to review this matter further before a recommendation is considered by the Planning and Development Committee.

The following residents were in attendance to express their concerns regarding Staff's recommendation to delete public parking lots as permitted uses in the downtown area and in "CR" (Commercial/Residential) Districts:

Greg Fraleigh, 1878 Centre Road, R.R. #2, Hamilton
Todd Fraleigh, 283 Park South, Hamilton
Don Logan, Philpott Memorial Church, 84 York Boulevard, Hamilton
Glen Chambers, 20 Hughson Street South, Hamilton
Earl Cranfield, 20 Hughson Street South, Hamilton

The Committee was also in receipt submissions from the following respecting this matter:

- a) Philpott Memorial Church - letter dated 1994 October 4
- b) Eric Grove, 188 Buckingham Drive, Hamilton - letter dated 1994 October 2

After considerable discussion, the Committee approved the following:

That an Ad-hoc Committee, consisting of representatives from the following, be established to study the Planning and Development Department's proposal to delete public parking lots as permitted uses in the downtown area and the "CR" (Commercial/Residential) Districts throughout the City:

Central Area Plan Implementation Committee
Downtown Hamilton Business Improvement Area
International Village Business Improvement Area
Real Estate Board
Hamilton Parking Authority
Owners of Parking Lots in these areas
Philpott Memorial Church
Staff (Planning, Roads, Building and Traffic Departments)
Any other individuals/groups that Staff deem appropriate

Staff were directed to set up the Ad-hoc Committee and to keep the Planning and Development Committee apprised of the progress of the same.



CITY COUNCIL

CITY HALL
71 MAIN STREET WEST L8N 3T4
(906) 546-2730

FAX: (906) 546-2635

HOME
17 ROBINSON STREET (P6) L8P 1Y6
(906) 525-6647

1995 January 5

Chairman and Members
Planning and Development Committee,

**Deletion of "Public Parking Lots"
in the Downtown Area (and in all CR Districts)**

At the request of the Planning and Development Committee a meeting of all interested parties was held in City Hall on Thursday, January 5, 1995 to review the proposal to delete public parking lots as a permitted use in the "CR" Districts and for all lands located in the downtown area.

A list of the attendees is attached.

Ms. Joanne Hickey-Evans gave a complete review of the proposal tracing it's history back to the Central Area Plan and Vision 2020. She then went into details of the proposed zoning change and what would be involved.

There were a number of questions raised as to the process of having the empty lots rezoned back to parking if this zoning change were to be implemented. How having empty lots served no useful purpose at all and would not enhance the downtown situation, etc.

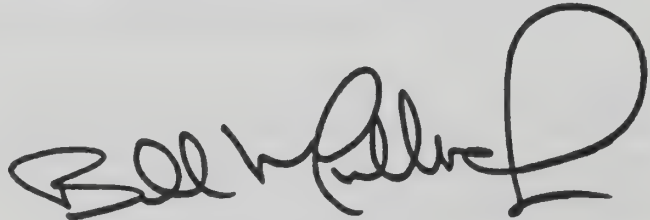
Overall, it was a positive meeting of genuinely interested business persons prepared to do anything that would turn around the lamentable situation in the core area.

But, the unanimous recommendation coming from this ad hoc committee was that the proposed changes would not in any way enhance the redevelopment of the downtown. At the same time leaving empty, unused, rubble strewn sites throughout the downtown would create a further deteriorated effect.

In fact, at this point in time it would only exacerbate the uncertainty of landowners and investors if there was this added control in the use of their properties.

The group would be more than prepared to review this matter again as part of any overall proposals for the redevelopment of the Downtown but this should follow after much more significant changes such as re-assessment of downtown properties and the upswing in commercial and retail business.

Therefore, it is strongly recommended that no action be taken now or in the near future to introduce the zoning amendments proposed to delete public parking lots in the core area; and, if and when the matter is to be reconsidered an ad hoc committee similar to this one be called to review the proposals in the light of the then current situation before it comes back to the Planning and Development Committee.

A handwritten signature in black ink, appearing to read 'Bill McCulloch', with a large, stylized loop at the end.

William M. McCulloch
Chairman
Ad Hoc Committee
Deletion of Downtown Parking Lots

WM:jc

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 September 28
(CI 94-D)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Deletion of "Public Parking Lots" as a Permitted Use in the
Downtown Area and "CR" (Commercial/Residential)
Districts

RECOMMENDATIONS:

A. That approval be given to City Initiative 94-D, to delete "public parking lots" as permitted uses in the "CR" (Commercial-Residential) Districts throughout the City and for those lands located in the downtown area, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Section 2.(2)D.(iii) of Zoning By-law No. 6593 be amended by:
- i) adding the word ", structure," between the words "building" and "or";
 - ii) deleting the words ", of" between the words "only" and "motor-driven";
 - iii) deleting the words "pursuant to previous arrangements and not to transients"

so the entire clause reads as follows:

"garage, storage" shall mean a building, structure, or portion thereof used for housing only motor-driven vehicles, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation,

repaired, hired or sold;"

(b) That Section 14.(1)(viii) of Zoning By-law No. 6593 be amended by:

- i) deleting the words "or a" between the words "bath" and "theatre", and replace with a comma;
- ii) adding "or a public parking lot located in the area shown on Schedule "K"." at the end of the clause;

so the entire clause reads as follows:

"Any commercial use permitted in an "E" or "G" District without a limitation on the number of employees except a massage parlour, public bath, theatre, or a public parking lot located in the area shown on Schedule "K"."

(c) That Section 15.(1)(ii) of Zoning By-law No. 6593 be amended by adding the phrase at the end of the clause "or a public parking lot located in the area shown on Schedule "K".";

so the entire clause reads as follows:

"Any commercial use which is permitted in a residential district or other commercial district except a penny arcade or a only public parking lot for areas shown on Schedule "K"."

(d) That Section 15A.(1)(xvii) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause;

so the entire clause reads as follows:

"Parking spaces, or a storage garage;"

(e) That Section 15B.(3)(b)17. of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause:

"Parking spaces, or a storage garage;"

(f) That Section 15B.(3)(b)20. of Zoning By-law No. 6593 be deleted in its entirety;

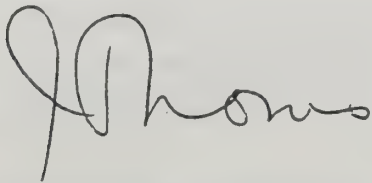
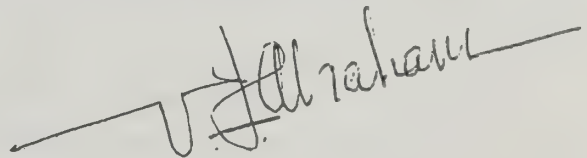
(g) That Section 15B.(21) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause.

- (h) That Section 15B.(23) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause.
 - (i) That Section 22 of Zoning By-law No. 6593 - Restricted Areas By-laws Repealed of Zoning By-law No. 6593 be amended by adding a new Schedule "K" marked as APPENDIX "A";
 - (j) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (k) That the proposed text amendment is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That an inter-departmental staff committee comprised of representatives from the Planning and Development, Roads, Building and Traffic Departments be established to develop guidelines for the location of future parking lots in the downtown area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a general text amendment to Zoning By-law No. 6593, respecting parking lots within the downtown area and "CR" (Commercial Residential) Districts.

The effect of the by-law is to remove surface parking lots as a permitted use in any zoning district in the downtown area, with the exception of "G-3" (Public Parking Lots) Districts, and to remove surface parking lots and parking structures as permitted uses in all "CR" (Commercial-Residential) Districts throughout the City.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Since 1989, a trend has emerged in the downtown which involves the demolition of buildings, and in their place parking lots are established. Examples include the demolition of the Zellers

building, Robinsons building, Dare factory, dwelling adjacent to Philpott Church, etc. Generally, parking lots function as temporary uses until such time as the economic climate is favourable for redevelopment.

The increase in the number of parking lots can be attributed to a number of factors: the high vacancy rate within buildings; taxes on vacant buildings are higher than those on parking lots; and, parking lots generate revenue. From the owners perspective, there appears to be economic benefits:

- the demolition of the building results in lower taxes;
- there is no longer the financial commitment to maintaining the building; and,
- the use of the land as a parking lot is a temporary use that can be ceased at any time but revenue can be generated in the mean time.

As a result of this trend, the Planning and Development Committee, at its meeting in August 1993, approved the recommendation of CAPIC "to undertake a City Initiative to delete 'Public Parking Lots' as a permitted use from all zoning districts, except "G-3" (Public Parking Lots) District."

As per the direction of the Planning and Development Committee and City Council, the Planning and Development Department is undertaking a review of public parking lots as a permitted use in downtown zoning districts.

OTHER PLANNING INITIATIVES RELATING TO PARKING LOTS:

- Design Standards for Parking Lots

In 1993, City Council approved new design standards and regulations for parking lots across the City. The by-law requires a 3.0 m. landscaped strip along any highway or right-of-way. There are additional setback and landscaping requirements for parking lots that abut residential uses and districts.

With respect to the downtown area, the 3.0 m landscaping requirement provides significant aesthetic benefit with respect to streetscape enhancement, beautification and ensures safety along roadways.

- Lighting Standards for Parking Lots

In 1994, City Council approved minimum lighting standards for public parking lots at grade, which is to be administered through the site plan approval process. The provision of lighting will create a sense of security and personal safety in these areas.

- Parking requirements in the Central Business District

In May 1994, the Planning and Development Committee and City Council adopted the recommendation of the Planning and Development Department to maintain the present parking requirements for commercial developments in the Central Business District; and to maintain the "Cash-in-lieu" of Parking Policy.

The study was initiated by the Coopers Lybrand report which suggested the downtown area not be exempted from the parking requirements and if the "cash-in-lieu" of parking policy was applied, it should be based on 100% of the cost of providing the parking.

- Application of Demolition Control Conditions

In July 1994, City Council approved to invoke the demolition control provisions of Section 33 of the Planning Act for buildings with a residential component in the Central Area. Demolition Control allows the City to deny a demolition permit until such time as the applicant receives a building permit. In addition, there may be conditions attached to the building permit which would require the applicant to complete the building within a specified period of time (i.e. two years). The impetus behind the use of demolition control was to discourage demolition of buildings and its replacement with a temporary parking lot.

- Other Municipal Requirements

Public parking lots are required to be licensed by the City. The Licensing Department issues a "Garage D" licence for a one year period.

Since all the lands within the Central Area are under Site Plan Control, all public parking lots are subject to Development Agreements. In addition, the Licensing Department will hold new Garage "D" licences in abeyance until parking lots have received site plan approval.

OFFICIAL PLAN:

The deletion of public parking as a permitted use does not conflict with the intent of the Official Plan. Further, it is noted that the Official Plan designates the downtown as "Central Policy Area". The following policy regarding parking in the "Central Policy Area" should be noted:

"A2.8.8 *To encourage the use of Public Transit and reduce the potential use of private automobiles in the CENTRAL POLICY AREA, Council may discourage the use of public parking facilities for long-term commuter parking in the AREA.*"

CENTRAL AREA PLAN:

The Central Area Plan has specific policies dealing with parking in the downtown core. The removal of parking lots as a permitted use would support Policy 4.8.7 that states:

"4.8.7 To preserve and promote the economic health of the downtown core as the Regional economic centre, sufficient parking spaces should be available. Parking facilities should be improved, both by the City and privately. These spaces should be conveniently located and operated in such a manner as to encourage their use for short term parking needs for shopping, entertainment, and business. As such, parking should be provided in accordance with the following provisions:

- iv) Major parking facilities should be located and arranged so as to minimize through traffic and reduce congestion. They will be encouraged to locate in the Downtown Core."*

The Central Area Plan attempts to restrict the location of public parking lots to the areas designated "Downtown Core" on the Plan's Land Use Schedule. This area coincides with the commercial core of the City - the commercial centre at King and James and the extended commercial areas of King Street East and West and James Street North and South.

ZONING BY-LAW NO. 6593

The Zoning By-law differentiates between "public parking lots" and "storage garage" (public parking structure). A "Public Parking Lot" is defined as:

"an open area, other than a public thoroughfare, used for the temporary parking of more than four motor driven vehicles and available for use of the public, whether free or for compensation or as an accommodation for clients or customers."

A "public parking structure" is not specifically defined, but is considered to be a "storage garage". The Zoning By-law currently defines a "storage garage" as follows:

"shall mean a building, or portion thereof used for housing only, of motor-driven vehicles pursuant to previous arrangements and not transients, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation, repaired, hired or sold;"

The term "public parking structure" is only found in the "CR" (Commercial/Residential) Districts.

Public Parking lots are permitted in the following zoning districts within the downtown core:

- "G-3" (Public Parking Lots) District
- "H" (Community Shopping and Commercial, etc.) District
- "I" (Central Business) District
- "HI" (Civic Centre Protected) District
- "CR-1" (Commercial-Residential) District
- "CR-2" (Commercial-Residential) District
- "CR-3" (Commercial-Residential) District
- "J" (Light and Limited Heavy Industry, etc.) District

A "storage garage" is permitted in all the above districts with the exception of "G-3" (Public Parking Lots) District.

The "I" and "HI" Districts are located only in the downtown area, whereas the other districts can be found throughout the City. In this regard, amendments to the Zoning By-law will be on a site specific basis as well as a general text amendment.

SURVEY OF OTHER MUNICIPALITIES:

A survey was undertaken of 10 major Canadian municipalities to determine if they permit parking lots in their downtowns, and if so, how they are regulated. The results of the survey are summarized by APPENDIX "B".

Two municipalities (Halifax and St. Johns) do not permit parking lots or garages in their downtowns. Another two municipalities (Calgary and Winnipeg) permit parking uses only as discretionary or conditional uses. The cities of Montreal and London permit parking structures within existing downtown zones, but do not permit parking lots. The City of Ottawa permits parking lots only by passing a temporary use by-law (maximum three year periods). Three cities (Regina, Thunder Bay, Vancouver) permit both parking garages and lots in existing downtown zones.

Further to the above, three of the municipalities (Calgary, London and Regina) surveyed indicated they have also experienced problems with the demolition of buildings in their central business

districts, to provide for parking lots. Four cities (Halifax, Ottawa, Thunder Bay and Vancouver) indicated that they had not experienced problems with the demolition of buildings.

Based on the above survey results, it can be summarized that:

- a few municipalities indicate that parking in the downtown is not a problem, in total seven out of the ten municipalities surveyed do not permit surface parking lots as- of-right in downtown zones;
- three municipalities permit parking uses as discretionary, temporary or conditional uses only;
- a total of four municipalities do not permit parking lots in the downtown (two of which prohibit all parking and two of which allow structures for parking, but not parking lots);
- the trend illustrated by the survey of major cities, is to exercise greater control over parking lots in the downtowns through discretionary, conditional or temporary zoning, or to prohibit them in the downtown zones.

In comparison, Hamilton appears to exercise far less control than most major municipalities over the location of surface parking areas in its downtown.

SUPPLY OF PARKING WITHIN THE DOWNTOWN:

An inventory of parking lots, in the Central Business District was undertaken by the Planning and Development Department (updated in 1993). The inventory of downtown parking lots revealed that:

- approximately 1/2 of the available parking spaces were being utilized during normal business hours;
- parking rates were indicative of an oversupply; and,
- usage of municipal car parks in the Central Business District (65% of the total spaces) illustrates an oversupply of parking in the downtown.

RESULTS OF CIRCULATION:

- The Clerk's Department, Licence Division has no comment.
- The Parking Authority of the City of Hamilton has advised that:

"Having reviewed the above document I can advise that its intent and direction are in harmony with the aims and objectives of the **Parking Authority** and that the Authority will give its full support."

- The Regional Roads Department has advised that:

- "1. We are generally supportive of this initiative since it is consistent with the overall intent of the Regional Transportation Study. This proposal will give the City a tool to regulate parking in the Downtown Area through specific zoning applications. In so doing, the implications on the availability of parking and the free market enterprise should be closely monitored.
2. We understand that a number of properties remain vacant pending the opportunity for consolidated land development at some future date and that the parking on these lands is a short term use.
3. We recommend that the parking lots in the Downtown Area still be subject to site plan control."

- The Traffic Department has advised that:

"..... Consideration should be given to the possible consequences of note permitting the use as public parking lots. If the current trend to demolish vacant buildings continues, the result may be an increase in the number of properties left simply vacant and undeveloped.

The report indicates that the removal of public parking lots as permitted uses does not imply that no additional surface parking lots will be permitted and the City will evaluate each proposed parking lot on its own merits through the rezoning process.

Prior to presenting this initiative at a public meeting, it is essential that a comprehensive evaluation criteria be developed to inform the present owners and developers of properties in the downtown area of how each application will be evaluated.

We recommend that an inter-departmental technical committee be established to develop the evaluation criteria prior to the public meeting."

ANALYSIS:

As discussed, there has been a proliferation of parking lots in the downtown core. Of the licensed parking lots approximately 26% have been established within the last five years, primarily through the destruction of buildings on these sites.

The establishment of parking lots on these sites previously occupied by buildings has economic and planning repercussions.

- a) it creates gaps in the urban fabric (building form);
- b) it undermines the viability of the existing commercial uses by creating gaps in the commercial frontage, thereby, eroding the downtown;
- c) in some cases, there would be a loss of a building of architectural and historical significance;
- d) a negative impact on pedestrian flows since cars travel across the sidewalks accessing parking lots, thereby interrupting pedestrian movement;
- e) the establishment of parking lots in the downtown encourages long term commuter parking, and discourages the use of public transit, which is undesirable;
- f) it is contrary to Vision 2020 which encourages the intensification of the core of the City; and,
- g) it discourages or delays redevelopment, since revenue can be realized by using vacant lands for parking.

In this regard, it would be appropriate to remove parking lots as a permitted use within the downtown area.

The removal of public parking lots as permitted uses does not imply that no additional surface parking lots will be permitted. Rather, it is considered appropriate for such uses to be the subject of a rezoning, so the City can evaluate each parking lot on its own merits.

It should be noted the problems associated with parking lots detailed above, for the most part, would not apply to parking structures (ie. they are not temporary uses). Consequently, the proposed amendment to the Zoning By-law would remove surface parking lots as permitted uses from the downtown, however, parking structures (storage garages) would still be permitted.

In addition, site specific by-laws which list a public parking lot as a permitted use will not be affected by this general text amendment.

ADDITIONAL COMMENTS:

1. The proposal complies with the intent of the Official Plan and Central Area Plan.

2. As a result of the proposed general text amendment, additional corrections to the Zoning By-law have become evident.

Change to the Definition of Storage Garage

The definition of a storage garage traditionally includes a parking structure. However, the definition is outdated; it is suggested the wording be changed to include a direct reference to the word "structure" and to remove the reference "to previous arrangements and not for use by transients".

In addition, the word "public parking structure", which is only found in the "CR" (Commercial/Residential) Districts, is proposed to be removed and replaced with "storage garage". This is consistent with defined terminology used elsewhere in the By-law.

Deletion of Public Parking Lots in the "CR" Districts

It has been noted that public parking lots are permitted within the "CR" (Commercial/Residential) districts. The intent of the district is to have either commercial or commercial/residential buildings; it was never intended to allow parking lots on their own. In this regard, it would be appropriate to delete "public parking lot" as a permitted use in all "CR" districts. This would not affect parking areas which are accessory to a permitted use.

There are a few "CR" districts located outside the downtown area.

3. It should be noted that all existing parking lots, within the downtown area, which are not zoned "G-3" (Public Parking Lots) District, would become legal non-conforming uses. In this regard, those lots existing at the time the proposed By-law is passed could be maintained with legal non-conforming status.
4. Based on the inventory of parking lots in the downtown, there currently appears to be an oversupply of parking spaces. In this regard, the proposed changes to the Zoning By-law should not create a shortage of parking spaces.
5. It is noted the elimination of public parking lots in the downtown is not a panacea to the demolition of commercial buildings (Residential buildings are under Demolition Control). However, the Planning and Development Department will monitor the situation and if warranted, take additional actions. For the information of the Committee, the City, based on Council's decision, is pursuing special legislation to allow the demolition control provisions of the Planning Act to heritage buildings.

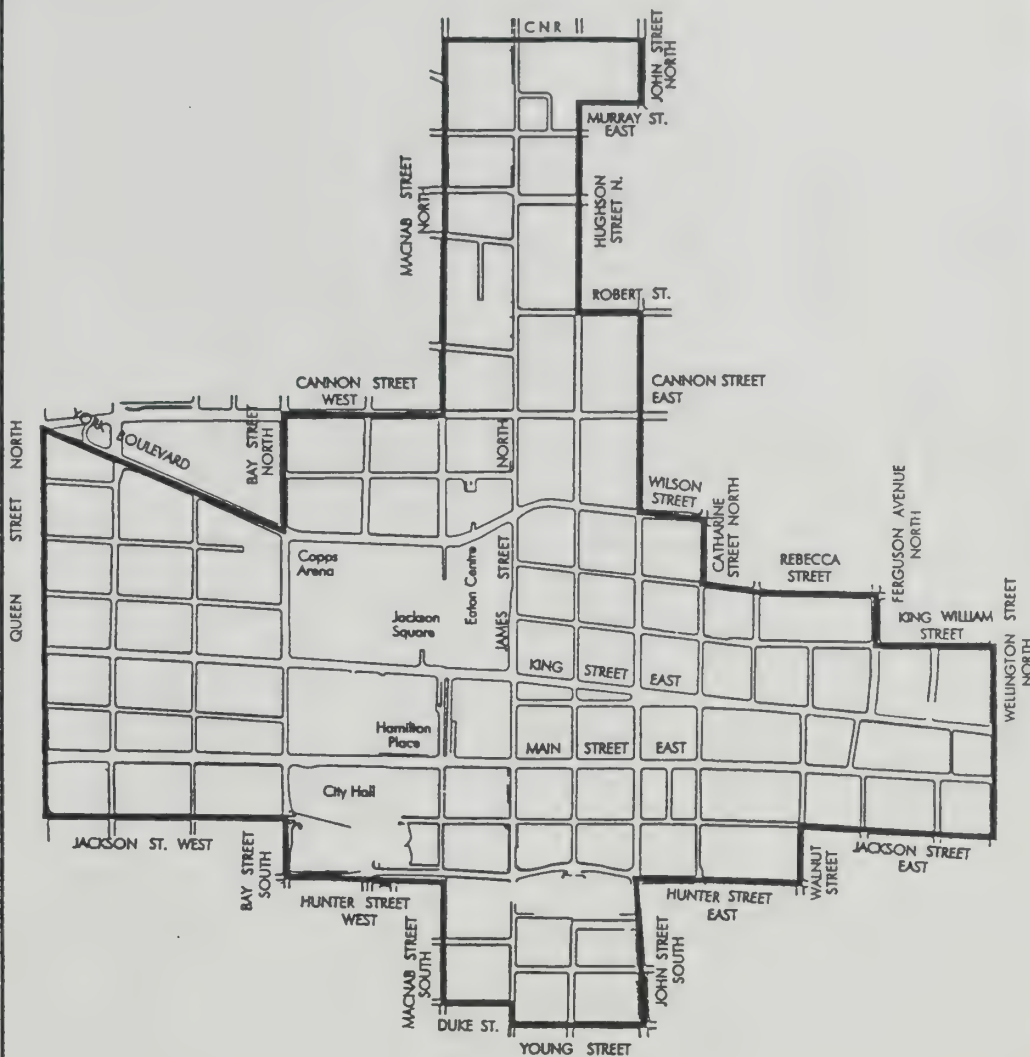
6. That an inter-departmental staff committee comprised of representatives from the Planning and Development, Roads, Building and Traffic Department be setup to develop guidelines for the location of future parking lots in the downtown area. With regards to future applications, each department is circulated the zoning application and if it is necessary then staff can meet to discuss any possible problems.

CONCLUSION:

Based on the foregoing, it would be appropriate to remove "public parking lots" as a permitted use in the downtown area as well as the "CR" (Commercial/Residential) districts.

JHE/CLM:jhe/clm

94D



Schedule "K" to Zoning By-Law No. 6593

This is Schedule "A" to By-Law No. 9 -
 Passed the day of, 199

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 9 -
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



Public parking lots not
 permitted within this area.

North



Scale
 Not to Scale

Date
 AUGUST 1994

Reference File No.

CI 94 - D

Drawn By

R. L.

PARKING LOTS IN THE DOWNTOWN

MUNICIPALITY	PARKING LOTS /PARKING GARAGES WITHIN EXISTING ZONE	BUILDINGS TORN DOWN REPLACED WITH PARKING LOTS	ADDITIONAL COMMENTS
Calgary	Permitted as Discretionary Uses	Yes	<ul style="list-style-type: none"> Each parking lot approved as a discretionary use for a max. of 3 years, after expiry new development permit required they have design standards for parking lots
Halifax	Not Permitted	No	<ul style="list-style-type: none"> Requires a Development agreement to permit parking lots in downtown
London	Yes (garage) No (lots)	Yes	<ul style="list-style-type: none"> zones outside the downtown allow both parking lots and structures
Montreal	Yes (garages) No (lots)	Not identified	<ul style="list-style-type: none"> conditional approval required for specific zones
Ottawa	Yes (lots)	No	<ul style="list-style-type: none"> permitted by temporary use by-law for maximum periods of three years
Regina	Yes (garages/lots)	Yes	

PARKING LOTS IN THE DOWNTOWN

MUNICIPALITY	PARKING LOTS /PARKING GARAGES WITHIN EXISTING ZONE	BUILDINGS TORN DOWN REPLACED WITH PARKING LOTS	ADDITIONAL COMMENTS
St. John's	Not permitted	Isolated cases only	<ul style="list-style-type: none"> Parking areas put under conditional zoning
Thunder Bay	Yes (garages/lots)	No	
Vancouver	Yes (garages/lots)	No	<ul style="list-style-type: none"> Parking is not allowed in front of retail stores in commercial districts to maintain pedestrian orientation Parking garages only allowed in CBD office core parking lots not allowed in pedestrian oriented areas
Winnipeg	Permitted as a conditional use	Not identified	

CITY OF HAMILTON

- RECOMMENDATION -

6

DATE: 1999 April 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Tax Incentive Program for Designated Heritage Buildings in the
Downtown

RECOMMENDATION:

- a) That approval be given for a Tax Incentive Program, as outlined in Appendix "A", for commercial/industrial buildings designated under the Ontario Heritage Act which are located within the Hamilton Downtown Community Improvement Project Area which would pay for that part of the cost of rehabilitating such buildings by means of an annual rebate for the five-year period following completion of such work;
- b) That the Downtown Hamilton Community Improvement Plan be amended to include the said Tax Incentive Program and that Community Planning and Development Division staff be authorized to take the steps required to give Public Notice of the proposed amendment and to arrange the Public Meeting to be held with the Planning and Development Committee in accordance Planning Act's requirements for amending the Hamilton Downtown Community Improvement Plan.
- c) That the Director of Legal Services and Corporate Counsel be directed to prepare a by-law for presentation to City Council to adopt the said amendment and subsequently submit an application to the Minister of Municipal Affairs to approve the said by-law, including the provision of the said bonus rebates to the commercial landowners.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Tax Incentive Program is a component of the "Restore the Core--Hamilton Downtown Improvement Program". A capital budget of \$50,000. is included in this downtown program for five years, beginning in 1999 and ending in 2003. The "Restore the Core" capital budget is approved on an annual basis. On 1999 January 26, City Council approved Phase Three of the "Restore the Core" budget of \$2,150,000 for 1999, which included the \$50,000 for the Tax Incentive Program for 1999. The Account Number is CF 5317609955036.

The result of this Tax Incentive Program is that the City and Regional portion of the increase in property tax resulting from the renovation of a designated commercial/industrial building in the Downtown will be rebated. for five years through a City funding source. Without this tax incentive program, these same properties, some of which have already stood vacant for five or ten years or more might not be renovated at all and no increase in property taxes would result.

BACKGROUND:

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial buildings that are located within the Hamilton Downtown Community Improvement Project Area and designated under the Ontario Heritage Act. The Program establishes a five-year rebate on the increased property taxes for the City and Region portion of the increase. This increased assessment is a direct result of the renovation of the building and represents the differential between the pre-renovation assessment and the post-renovation assessment.

The following legislation in Ontario enables the City to seek approval for the Tax Incentive Program: the Planning Act, Section 28, which allows an area to be designated as a Community Improvement Project Area which in turn permits grants or loans to property owners.

The Downtown Hamilton Community Improvement Plan was approved in August 1997. This Plan permits grants or loans to property owners and specifically identifies the use of both heritage grants and a tax rebate program for properties located within the Community Improvement Project Area, bounded by Queen St., Cannon St., Victoria Ave. and Hunter St.

Of the twelve commercial buildings, designated under the Ontario Heritage Act, which are potentially eligible for this Tax Incentive Program, some are in the greatest need of renovation, for example, the Lister Block, Victoria Hall (Foster Building) and Tivoli Theatre.

Tax incentives have proven to be an effective tool in promoting downtown revitalization by counteracting the common deterrent to the renovation and recycling of older buildings-- the increase in the owner's property taxes resulting from the improvements made to the buildings. This approach encourages property owners to renovate their heritage properties without paying the penalty of higher taxes for five years.

General benefits to the community include:

- rehabilitation of downtown buildings
- long-term financial returns to the City through increased taxes;
- increasing economic activity in construction work;
- providing more job opportunities (CMHC, 1986 Report, renovation provides 27.8 jobs per \$1m spent; new construction provides 12 new jobs for \$1m spent);
- converting underused or vacant structures into fully functional properties;
- contributing to Downtown revitalization and improving the image of the downtown;
- ensuring the usefulness of the City's top priority heritage buildings.

Tax incentives for designated heritage buildings are a preservation tool widely used in the U.S. and other parts of Canada, including Saskatoon and Edmonton. In Ontario, precedents can be found in:

- Perth, Ontario By-Law No. 2294
- Coburg, Ontario By-Law No. 43-96
- London, Ontario Downtown London Community Improvement Plan, and,
- Kitchener, Ontario. Adaptive Re-use Program.

As of March 1999, the following twelve commercial properties are eligible for the tax incentive program:

- Lister Block, 28-44 James St. North
- Tivoli Theatre, 108-112 James St. North
- Mercantile Bank, 47 James St. South
- Bank of Montreal, 52 James St. South
- Pigott Building, 36-40 James St. South
- Sun Life Building, 42 James St. South
- Right House, 35-41 King St. East
- Victoria Hall (Foster Building), 68 King St. East
- 72-74 George St.
- 107-109 George St.

The Finance Department, recommends that a special fund be established to provide a grant-in-lieu of the tax increase. Currently, funding is expected to be achieved through the annual "Restore the Core" budget, currently proposed at \$50,000 per year for five years (1999-2003) which is subject to Council approval. The proposed \$50,000 per year budget was based on the experience of another municipality; additional funding may be necessary depending on the scope and size of the projects in Hamilton.

cc A. Ross, General Manager, Finance Department
 R. Roszell, Director of Legal Services and Corporate Counsel

APPENDIX "A"
TAX INCENTIVE PROGRAM FOR DESIGNATED COMMERCIAL/INDUSTRIAL
BUILDINGS IN HAMILTON'S DOWNTOWN

Description

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial buildings located within the Hamilton Downtown Community Improvement Project Area, which are designated under the Ontario Heritage Act. The Program establishes a five-year rebate on the increased realty taxes related to the City and the Regional portion of the increase. This increased property assessment is a direct result of the renovation of the building and represents the differential between the pre-renovation assessment and the post-renovation assessment.

Eligibility criteria:

The building must be designated under the Ontario Heritage Act, and has a present or former use as a commercial or industrial building;

The building must be located within the boundaries prescribed in the Hamilton Downtown Community Improvement Plan (Queen Street to Victoria Avenue, Hunter to Cannon Streets);

Application for this tax incentive will only be accepted after final approval of this program; and,

If new construction is added to the historic building as part of the total project, the tax rebate will only apply to the original size of the designated heritage building.

Requirements:

The building would have to be renovated in such a way that would complement the Reasons for Designation, and that a Heritage Permit must be approved by City Council for any alterations to the heritage features identified in the Reasons for Designation;

The property must be insured at replacement value;

The property shall not be in property tax arrears;

The total amount of tax benefit is not to exceed the cost of the work done; rebates will cease when the amount equals the value of the work done; and

The property owner may apply for the Tax Incentive Program at the time a Building Permit is applied for and will sign a Tax Incentive agreement with the City when the impact of the construction to the tax roll is available to the City.

Conditions:

Only the City and Regional portion of the property tax increase is eligible; the percentage of the property taxes paid for education is not eligible.

If a building is sold within this five-year period, the tax incentive will continue with the new owner after the sale of the building;

The property will continue to be eligible for the tax incentive program as long as it is maintained in its rehabilitated condition during the said five-year period;

The City may discontinue the Tax Incentive Program at any time; however, participants prior to its closing will continue to receive the rebates, which had been determined for their properties.

Each rebate application will be subject to Council Approval, including the availability of City funds and to such other conditions as Council may require.

The property tax assessment at the time of application will be used to determine the pre-renovation tax. The amount of the property's assessment will be determined by the yearly mill rate.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, April 7, 1999

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF MINUTES

Minutes of the Planning and Development Committee for its meeting held March 24, 1999

B. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION

- (i) City of Hamilton Comments – Proposed Rezoning and Official Plan Amendment, South-West Corner of Rymal Road and Swayze Road, Township of Glanbrook
- (ii) Authorization for Staff Attendance to an Ontario Municipal Board Hearing – no. 125 Longwood Road North
- (iii) Authorization for Staff Attendance to an Ontario Municipal Board Hearing – no. 2803 King Street East

C. ACTING SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, March 24, 1999
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

A

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Kelly
Alderman B. Charters

Regrets: Mayor R. Morrow (Illness)

Also present: Alderman A. Horwath
LeeAnn Coveyduck, General Manager, Community Planning
and Development Division
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development
Department
Mary Lou Tanner, Planning and Development Department
Art Zuidema Law Office
Charlie Unelli, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Len King, Building Commissioner
Willy Wong, Building Department
Terry Whitehead, Assistant to the Mayor
Ed Switinky, Public Works and Traffic
Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. **Zoning Application 99-03, by Effort Trust Company (A. Weisz), prospective owner, for a modification in zoning to the established "D" District for 1016 Upper Paradise Road.**

Paul Mallard advised that the application is to request a reduction of the sideyard setbacks adjoining garages on the properties in order to allow garages to be flush to the building to accommodate alternative housing design. This request is similar to that which was recently granted for The "Nash Orchards" subdivision. Of 44 notices circulated, 2 replied in favour and none opposed.

Al Fletcher of A.J. Clarke and Associates was present on behalf of the applicant.

As recommended in a report from the General Manager, Community Planning and Development Division, dated March 10, 1999, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-99-03, Effort Trust Company (A. Weisz), prospective owner, for a modification in zoning to the established "D" (Urban Protected Residential – One and Two Family, etc.) District, for lands known municipally as 1016 Upper Paradise Road, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "D" (Urban Protected Residential – One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 98-210, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - i) That notwithstanding Section 2.(6) and 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling only a portion of one required side yard having a width of not less than 0.60 metres that abuts the wall of an attached garage shall be permitted, except that:
 - 1) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained; and,
 - 2) where a side yard abuts any other residential district, a sideyard of 1.2 metres shall be provided and maintained; and,
 - ii) That notwithstanding Section 5(b) of Zoning By-law No. 98-210, applicable to the subject lands, for a one storey dwelling, the lot coverage of all buildings and structures shall not exceed 45% of the lot area; and,
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1405a, and that the subject lands on Zoning District Map W-37D be notated as S-1405a; and,
- (c) That the Director of Legal Services and Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (e) That the Director of Legal Services and Corporate Counsel be directed to provide for the establishment of maintenance easements for all lots with a 0.60 m sideyard setback by the developer as part of the City of Hamilton Subdivision Agreement which is required as a condition of draft plan approval for the "Tiffany Park" subdivision.

- **Alderman Copps Opposed.**

2. CENTRAL NEIGHBOURHOOD PLAN

Mary Lou Tanner gave a synopsis of the report highlighting aspects requiring rezoning.

Alderman Kelly was concerned that the City does not receive any funding from the Federal or Provincial government regarding these types of initiatives as is the case in the United States.

Mary Lou Tanner advised that there are various private sector interests for development. Alderman Charters added that the issue will be on an upcoming conference agenda, and Alderman Horwath advised that there will be a Brownfield Development Exchange in Toronto in the next week.

Helen Kirkpatrick of 193 Nay Street North, Chairman of the Central And North End West Association was present. She stated her appreciation to staff and especially to Mary Lou Tanner and Bill Janssen for their work on the plan. She was extremely pleased that the residents and the association will be included in all implementation stages and in discussions should there be any changes to the plan.

Martha Allan of 20 Peter Street was present. She stated that she is interested in any proposals for the parking Lot opposite her home.

Alderman Corsini commended the dedicated citizens who have made the quality of life better for the neighbourhood and the City as a whole. Alderman Copps concurred.

Alderman Horwath concurred and added that this plan is compatible with the Downtown revitalization initiatives except that the potential removal of 260 homes, many of which are listed or designated, for an international park flies in the face of the initiative regarding a residential component in the downtown core.

Alderman Charters expressed concern over inconsistencies with the West Harbourfront Plan, in addition to any "Smart Moves" initiatives for 2 way streets.

In response to a question from Alderman Caplan, Mary Lou Tanner advised that the Perimeter Road will be located north of the neighbourhood.

Alderman Charters proposed and the committee approved an amendment to subsection (c) in order to resolve inconsistencies between the West Harbourfront Plan and the Central Neighbourhood Plan.

Consequently, the recommendation from the General Manager, Community Planning & Development Division dated February 15, 1999, was recommended to Council as amended as follows:

- (a) That the Central Neighbourhood Plan dated February, 1999, previously distributed to members of the Planning and Development Committee, be adopted; and,
- (b) That the projects identified in the Action Chart, to implement the Neighbourhood Plan, be referred to the appropriate Division; and,
- (c) That Staff be directed to work with the Neighbourhood Association to reconcile the differences between the West Harbourfront Plan at the earliest possible convenience; and,
- (d) That the Community Planning and Development Division be directed to undertake a City initiative for the rezonings identified in the report to implement the Neighbourhood Plan.

3. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

- a) **Terms of Reference – Study on Land Use Planning Policies for Residential Care Facilities, Short Term Care Facilities, and Places of Detention.**

Joanne Hickey Evans Gave a summary of the terms of reference. She stated that the study encompasses three other studies being the removal of residential care facilities in the Stinson Neighbourhood, the review of Radial Separation, and the removal of places of Detention from the "H" District. The study is comprised of four phases.

She asked the committee of their preference in the timing of completion of the project since proceeding immediately would delay the Official Plan Review, development applications and the McMaster/Westdale review, because of staffing constraints.

In response to a question from Alderman Copps, L. Coveyduck advised that through a regional review of the Official Plan these uses can be incorporated as allowable in other regional Municipalities.

Alderman Caplan did not agree with delaying other studies.

Alderman Eisenberger felt that the this study should take precedence.

In response to a question from Alderman Haining, Joanne Hickey Evans advised that the facilities in relation to City of Hamilton Population will be reviewed with Federal and Provincial counterparts.

Alderman Horwath asked various questions of clarification and expressed concern over the fact that there is no means by which present facilities, in operation or otherwise, can be reduced.

As recommended in a report from the General Manager, Community Planning and Development Division, dated March 11, 1999, the Committee approved the following:

That approval be given to the Terms of Reference for the development/refinement of land use planning policies for residential care facilities, short term care facilities and places of detention in the City of Hamilton and the Region of Hamilton-Wentworth, attached hereto as Appendix "B".

b) CAPIC Support for Proposed Review of Social Service Facilities.

The Committee moved to receive the report dated March 3, 1999.

4. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

(i) Meeting held March 3, 1999

The minutes of the meeting held March 3, 1999 were adopted as circulated.

(ii) Special Meeting held March 9, 1999

The minutes of the special meeting held March 9, 1999 were adopted as circulated.

The following recommendations were forwarded to Council for approval:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

**Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1999, dated February 24, 1999:**

- (a) That the 1999 Operating Budget for the Ottawa Street B.I.A., attached hereto as Appendix 'C', be approved in the amount of \$34,945 subject to any 1998 assessment appeals; and,
- (b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 1999 be approved:

March 01	\$11,648
June 01	\$11,648
September 01	\$11,649

C. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

- (i) **Final Lot Grading and Sodding Contract for Various Subdivisions in Hamilton During 1999, dated March 16, 1999:**

That the General Manager of Finance be authorized and directed to issue an Open Order to Crescan Landscape Ltd. to provide final lot grading and sodding as and when required during 1999 in various subdivisions in Hamilton.

- ii) **563 Rymal Rd East – Demolition, dated March 4, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 563 Rymal Road East in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

- iii) **Administration Fee for the Clearance of Outstanding Work Orders under By-Law No. 98-174, Building Permits and Fees, dated March 9, 1999:**

That the Director of Legal Services and Corporate Counsel be authorized and directed to prepare a by-law to amend By-law No. 98-174 to authorize the Building Commissioner to collect a new fee of \$75 for the inspection and clearing of an outstanding Work Order other than a registered Property Standards Order.

- iv) **Administration Fee for the Clearance and Discharge of an Outstanding Registered Order under the Property Standards By-Law 98-243, as Amended, dated March 9, 1999:**

That the Director of Legal Services and Corporate Counsel be authorized and directed to prepare a by-law to amend Property Standards By-law No. 98-243 to authorize the Building Commissioner to collect a new fee for the inspection of a property in order to clear an outstanding registered order under Property Standards By-law No. 98-243, as amended, and to subsequently have the said order discharged from title.

D. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION

Commercial Property Improvement Loan Program – Loan Increase, 629 Barton Street East, dated March 5, 1999:

- (a) That the original loan of thirteen thousand, eight hundred and thirty-two dollars (\$13,832) to Filomena Raso, for improvements to 629 Barton Street East, be increased by one thousand, eight hundred and forty eight dollars (\$1,848), totalling fifteen thousand, six hundred and eighty dollars (\$15,860), subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program; and,
- (b) That a grant increase from the Barton Street Revitalization Fund in the amount of nine hundred and twenty-four dollars (\$924) be utilized to pay-down this loan increase as per the terms of the Barton Street Revitalization Program.

E. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Community Heritage Ontario 1999 Provincial Conference – Authorization for Delegates to Attend, dated March 12, 1999:

- (a) That up to two members of the Local Architectural Conservation Advisory Committee be authorized to attend Community Heritage Ontario's 1999 Provincial Conference to be held in Kingston, Ontario from May 28-30, 1999; and,
- (b) That the Conference costs in the estimated amount of \$860 be financed through the Legislative Travel Account No. CH 55201 10010.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee approved the previously received information items as follows:

- (a) Secretary, LACAC re: Minutes of the meeting held February 8, 1999, dated March 8, 1999
- (b) General Manager Community Planning and Development Division re: Approved Site Plan Control Application dated March 11, 1999

5. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Hamilton Cemetery Gatehouse – Designation under the Ontario Heritage Act

As recommended in a report from the LACAC Secretary, dated March 12, 1999, the Committee recommended to Council as follows:

- (a) That approval be given to the Intent to Designate the Hamilton Cemetery Gatehouse at 777 York Boulevard, as a property of historical and architectural value, pursuant to the provisions of Part IV of the Ontario

Heritage Act, 1997, as outlined in the Reasons for Designation attached hereto and marked as Appendix "D"; and,

- (b) That the Director of Legal Services and Corporate Counsel be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

6. OTHER BUSINESS

- (a) A discussion ensued regarding the Demolition permit issued for a building on James Street South in the Downtown Core.

Lee Anne Coveyduck advised that Municipalities May have demolition control over heritage and residential buildings but not commercial. If the City wants control it must get it through a private members bill.

Len King explained that the Mayor, Ward Aldermen and the Chairman of the Planning and Development Committee will now be notified of all demolitions in the downtown core. Following brief discussion the Building Commissioner was directed to advise those people and all members of the Planning and Development Committee of demolition requests in the downtown.

Alderman Horwath expressed concern over the surface parking lot proliferation in the downtown as a result of the many demolitions. She suggested that zoning be enacted to prohibit or at the very least require landscaping if this is to occur. The Committee concurred and directed staff to prepare an amendment to the Zoning Bylaws to require more landscaping than that which is presently requires for surface parking lots.

Len King advised the Committee that the owner of 25 Hughson Street at Main Street had applied for a demolition permit and wishes to place a parking lot there.

- (b) Alderman Charters updated the Committee on Harbour matters. He advised that Ray Harris has been appointed to the Commission. The Commissioners have met with Alderman Charters and the Planning and Development Committee Chairman and other representatives of the City. In order to show the City that they are acting in good faith they have requested an adjournment of the Windermere Basin Hearing in order to hold public hearings on the issue. It is hoped that this issue be resolved by May 31, 1999.

The Committee adjourned in camera to discuss matters of litigation and reconvened immediately thereafter with no report.

5. ADJOURNMENT

There being no further business, the meeting then adjourned.

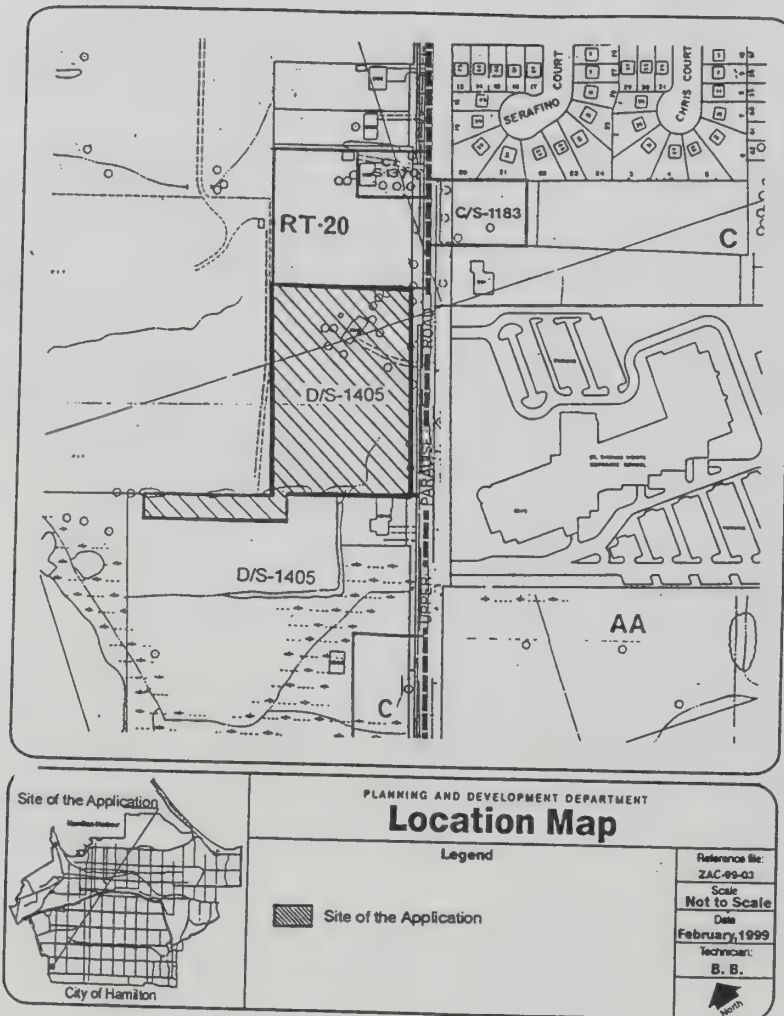
Taken as read and approved.

Alderman F. D'Amico
Chairman
Planning and Development Committee

Tina Agnello
Secretary

/ta

Appendix "A" referred
to in Section 1 of the
Planning & Development
Committee Minutes for
March 24, 1999.



Appendix "B" referred
to in Section 3(a) of the
Planning and Development
Committee Minutes for
March 24, 1999.

TERMS OF REFERENCE

LAND USE PLANNING STUDY FOR RESIDENTIAL CARE FACILITIES, SHORT TERM CARE FACILITIES AND PLACES OF DETENTION STUDY

Hamilton has a diverse population. This diversity results in a variety of housing needs, particularly for those people who have emotional, developmental, psychiatric or physical disabilities. It is the community's challenge to provide for these housing needs. With the passage of time, a range of housing has been developed to respond to these needs. A continuum of housing, from housing with no supports to housing with 24-hour support services has been evolving in response to needs as they emerge.

Land use designations need to be reviewed to assess what changes are needed to accommodate the emerging continuum of housing. Following are examples of questions that generally have not been anticipated in traditional residential land use regulations:

- Is a person living in their own house and receiving personal and home-making support services daily, a residential use of the land, commercial, institutional or other? Would the answer to the above question change:
 - * If the house is rented?
 - * If there are two people receiving services? three? five? ten?
 - * If the service provider lived in the house?
 - * If the services extended beyond personal care and home-making to include professional and medical services?
 - * If the residential setting was an apartment?
- Does the size of the apartment building make a difference?
- What if 10% of an apartment building's units contained residents who required such services? 20%? 50%? 80%? 100%?
- Does it make a difference what type of management model is used to co-ordinate the delivery of services?
- From a land use planning perspective, are the impacts of an on-site coordinator of services different from an on-site property maintenance person? What if services are also provided to people visiting the building?

The focus of this study is three types of housing: residential care, short term care and places of detention and their location in the City of Hamilton and the Regional Municipality of Hamilton-Wentworth. These housing types are provided for people who require care and/or support in their daily lives. This need often arises when people have emotional, developmental, psychiatric or physical disabilities. Typical examples of this housing in Hamilton are second level lodging homes, group homes, emergency shelters, and halfway houses.

From a land use planning perspective, what is relevant is how these facilities can better integrate with the communities in which they are located or will locate. Questions to be asked include:

1. What are the impacts from these facilities?
2. What is the optimum size for these facilities?
3. Where should they be located in the community, if at all?
4. What can we learn from past experiences with these facilities?

Why Does the City and the Region need to review planning documents for residential care facilities, short term care facilities and places of detention?

Housing for special needs groups has been evolving and changing over time. There have been a number of housing initiatives in the Regional Municipality of Hamilton-Wentworth, particularly in the City of Hamilton that have made the community more aware of the presence of the diverse range of housing. Residents are concerned about the impact of diverse housing in their neighbourhoods. A review of designations will help to plan for emerging housing and service demands. Following are some examples

1. With the ageing of the baby boom population, we expect the need for a range of facilities to accommodate us as we age
2. As upper levels of government continue the commitment to deinstitutionalization, housing to meet the needs of people who are still living in large residential facilities will be required. An example is the announced closure of the Hamilton Psychiatric Hospital.
3. The restructuring of the social service network drives us to look at the appropriate locations for delivering services. The location of a federal halfway house with support services for parolees is a case in point.

The last comprehensive review of the City of Hamilton Planning documents occurred in the late 1970's/early 1980's. The Regional Municipality of Hamilton-

Wentworth last updated its housing statement in 1995. Section B, "Providing Housing for People with Low Incomes and Special Needs" studies the continuum of housing options from a Regional perspective. One of its recommendations is for the Area Municipalities to undertake a review of their existing zoning by-laws and identify any restrictions on the development of supportive housing environments that are not justified by significant public health or safety concerns.

With the changing social needs, the review of the land use designations of residential care, short term care and places of detention is timely.

Who provided the Direction for this study?

The Planning and Development Committee and City Council have requested three planning reviews be undertaken:

- On September 30, 1997, City Council passed the following resolution:
"Whereas there are approximately twenty-five residential care facilities currently located within the Stinson Neighbourhood, many of which are legal non-conforming uses, having been established prior to the existing zoning by-law; and,
Whereas there would only be about six such facilities in Stinson if the required distance separation of 180 m was strictly adhered to, the entire neighbourhood is saturated with such uses, except for a small area near the south-east corner of Stinson; and,
Whereas the number and concentration of such care facilities is a concern to residents in the Stinson Neighbourhood; and,
Therefore, be it resolved that a zoning by-law amendment be undertaken to prohibit residential care facilities in the portion of the Stinson Neighbourhood in which they are presently permitted, namely lands in the vicinity of Alanson Street and the south end of Erie Avenue, and that the various Departments of City Hall be particularly sensitive to this matter and that the rules and regulations pertaining to "non-conforming uses" in the Stinson Neighbourhood be strictly adhered to."

- On December 2, 1998, the Planning and Development Committee directed staff
 - "to review the radial separation distance requirement for residential care facilities and short term care facilities" and,*
 - "to review the possibility of deleting detention centres as permitted uses in the "H" Districts."*
- On February 9, 1999, City Council directed that:
 - "...a study in respect of land use planning policies concerning places of detention, short term care facilities and residential care facilities for all the lands located in the City of Hamilton and the region of Hamilton-Wentworth." be undertaken.*

These directions will be combined in one study.

What are the Goals and Objectives of the study?

There are *two* goals in this study:

1. to provide transitional and long term housing opportunities for special needs groups throughout the Region of Hamilton-Wentworth while balancing the impacts and needs of the communities and the service providers.
2. to allow places of detention to locate within the Region while balancing the impacts and needs of the communities and the service providers.

Within these goals are *several* objectives that are important:

1. to redefine/define the terms residential care facility, short term care facility, detention centre/jail, and retirement home.
2. to identify appropriate locations for each of these facilities and housing types;
3. to establish performance standards (i.e. capacity, radial separation distance, etc.) for each of these uses;
4. to prepare, if necessary, appropriate Official Plan policies for the City of Hamilton and/or the Region; and,

5. to identify any other mechanisms that will assist the community and the City/Region in balancing the need for special housing types and places of detention while maintaining the stability of neighbourhoods.

How will the Study be done?

The study will be done in four phases. Appendix "A-1" provides a breakdown of the work to be completed in each phase as well as the time frames allocated for each.

Phase 1:

It is recognised the issues of residential care facilities, short term care facilities and places of detention is complicated as there are a number of government departments/ministries and social service agencies involved in licensing and funding these facilities. These people are important resources who will be able to provide the study team with invaluable information. A resource group will be organised to support this phase of the process. The resource group will be composed of representatives from the provincial Ministries of Health, Community and Social Services, Corrections Canada and local service providers. This group will facilitate the identification of existing facilities and services, planned directions in service provision and emerging community needs.

At the same time, background work will begin on detailing the existing policy framework in the city and area municipal zoning by-laws and OP; detailing provincial and federal programming in these areas; classification, location and capacities of existing facilities; survey of other similar size municipalities; in addition, issues surrounding the provision of social housing opportunities will be identified. Once this background information is collected and synthesised then phase 2 will begin.

Phase 2:

The major component of this phase is to prepare a series of land use options to identify appropriate location, size and other performance standards for each of these facilities.

From a technical perspective, the resource group will provide the initial sounding board for the land use options. These options will be presented to the planning and Development Committee for their review and comment. Once these options are prepared, then phase 3 can begin.

Phase 3:

This phase will require extensive public participation through the use of workshops, open houses, presentations and other public forums.

The public will include the stakeholder resource group, neighbourhood associations, business groups, special interest groups, etc. Comments on the land use options will be requested.

Phase 4:

This phase will involve the refinement and the selection of the preferred land use option. Official Plan amendments (if necessary) and zoning by-law amendments will be prepared to implement the selected land use option.

Who will be doing the Study?

Three staff members of the Community Planning and Development Division will do the study. Each staff member brings a specific level of expertise to the study team in the areas of policy planning, the zoning by-law and social service planning.

What is the Timing of the Study?

It is estimated a draft report (end of phase 2) will be prepared for the fall of 1999. The total work time is estimated to be nine months of full time equivalents, approximately three months for each planner.

JHE

APPENDIX "A-1"

[illegible]

Appendix "C" referred
to in Section 4B(a) of the
Planning and Development
Committee Minutes for
March 24, 1999.

OTTAWA STREET B.I.A. PROPOSED BUDGET FOR 1999

ADVERTISING	\$ 6,000.
BEAUTIFICATION	\$ 2,200.
INSURANCE	\$ 945.
MEETING EXPENSES	\$ 500.
OFFICE EXPENSES	\$ 600.
PROFESSIONAL SERVICES	\$ 5,000.
RENT	\$ 1,200.
SPECIAL EVENTS	\$16,000.
TELEPHONE	\$ 700.
TRAVEL & PARKING	\$ 700.
DONATIONS	\$ 1,100.
TOTAL BUDGET	\$34,945.00

Appendix "D" referred
to in Section 5(a) of the
Planning and Development
Committee Minutes for
March 24, 1999.

Hamilton Cemetery Gatehouse
777 York Boulevard

REASONS FOR DESIGNATION

Context

Marking the main entrance to the Hamilton Cemetery, this mid-19th century stone gatehouse is located on the west side of York Boulevard opposite Harvey Park, which abuts the grounds of Dundurn Castle. Situated on the high strip of land between Hamilton Harbour and Cootes Paradise known as Burlington Heights, the Hamilton Cemetery occupies a long irregularly-shaped 100-acre piece of land bounded by York Boulevard, the bluff overlooking Princess Point, and the Strathcona residential neighbourhood to the south. Its extensive landscaped grounds containing a multiplicity of tombstones and monuments as well as an exceptional variety of trees and shrubs create a picturesque parklike setting for the gatehouse. The Hamilton Cemetery is an excellent example of the "garden cemetery", popular throughout North America from the mid-19th to the early 20th century, and characterized by its informal layout, naturally contoured terrain, winding roadways and attractive landscaping of grass, trees and shrubs.

History

The Hamilton Cemetery was the first public cemetery in Hamilton and is claimed to be the first municipally owned and controlled cemetery in Canada. It opened in 1848 on a tract of land acquired from Christ's Church (part of a larger parcel purchased from Sir Allan MacNab in 1847) and was initially named the Burlington Cemetery. The cemetery was progressively enlarged by the acquisition of additional parcels of land, including 24 surveyed lots originally owned by MacNab on the west side of York Street and property owned by the Roman Catholic Episcopal Corporation of Hamilton known as the "Bishop's Field". In 1892 the City assumed control of two burial grounds to the south owned respectively by Christ's Church and Church of the Ascension; with this amalgamation its name was changed to the Hamilton Cemetery.

The gatehouse was erected on a parcel of land in front of the cemetery: lots 10 and 11 purchased by the City from W.H. Dickson in 1854. Identified on the original architectural drawings as the Gate Lodge, this modestly-scaled building was designed to house a "public waiting room" (later referred to as a mortuary chapel) and caretaker's residence. After the last resident superintendent resigned in 1900, the building functioned as an office and chapel. In recent years, it has served as the administrative headquarters for the Hamilton Municipal Cemeteries.

- 2 -

Architecture

The Hamilton Cemetery Gatehouse constitutes one of only two architecturally distinctive 19th century cemetery buildings in the Hamilton area, the other being the 1889 stone mortuary chapel at Holy Sepulchre Cemetery in Burlington (excluding churches with attached burial grounds). It also represents an early example in Ontario (and possibly also Canada) of a building intended to serve one or more functions associated with the operation of a cemetery. Its design is attributed to William Hodgins, an architect/civil engineer who appears to have prepared the plans in 1854 while employed as the City Engineer. The building was completed some time between 1855 and 1862. Hodgins achieved a masterful adaptation of the Gothic Revival style to a dual-purpose building combining the functions of chapel/waiting room and dwelling. This combination of uses appears to be quite unusual, at least within a Canadian context: cemetery buildings in this country were more often designed to serve a single purpose, such as a mortuary chapel or caretaker's house.

Architecturally, the Hamilton Cemetery Gatehouse is notable for its rock-faced ashlar construction with dressed stone trim, its picturesque silhouette, and its fine Gothic Revival detailing. The dominant buttressed corner tower is now crowned by an intricately carved open stone structure with finials. Designed by architect Gordon Hutton and erected in 1920 to replace the wood spire (as rebuilt in 1904), it was intended to have a copper spire, which was never built. The 1894 bell from the original tower is presently displayed on a stone platform beside the entrance driveway. Also noteworthy are the two original chapel and dwelling entrances with arched wood doors, the windows with Tudor-arched openings and hood mouldings sprung from carved figure heads, the two large chapel windows with stone tracery, and the three circular openings with quatrefoil windows.

A later one-storey stone wing on the north facade, designed by the local architectural firm of Stewart & Witton and added in 1913, is in keeping with the Gothic Revival design of the original building.

The small but imposing chapel interior is distinguished by an arched beamed ceiling supported by wood trusses sprung from wood columns resting on widely projecting plaster brackets, two large traceried leaded glass windows, wood-panelled wainscoting and Tudor-arched wood-panelled doors.

Designated Features

Important to the preservation of the Hamilton Cemetery Gatehouse are the original architectural features of:

- 3 -

- 1) all facades of the original building and 1913 addition, except for the new stuccoed frame wall with a doorway and window on the west facade. Included are the stone masonry walls and chimneys, stone belfry, carved stone details, the slate roofing with round-cut ornamental slates, and the doorways and windows.
- 2) the former chapel/ waiting room interior with its wood trusses, beams, wainscoting, and doorways (including the one originally located at the north end of the west wall but recently moved to create a new doorway linking the chapel and office).

This designation by-law is restricted to the gatehouse building; it does not include any other built or landscape features on the Hamilton Cemetery grounds: i.e. the fencing, roadways, trees, outbuildings, tombstones, monuments, vaults, etc.

CITY OF HAMILTON
- RECOMMENDATION -

B(i)

DATE: 1999 March 15
(OP-GLA)

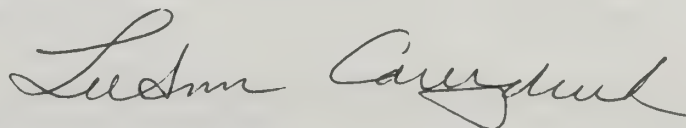
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: City of Hamilton Comments -
Proposed Rezoning and Official Plan Amendment,
Southwest Corner of Rymal Road and Swayze Road,
Township of Glanbrook

RECOMMENDATIONS:

- (a) That the Municipal Clerk advise the Township of Glanbrook and the Region of Hamilton-Wentworth that the City of Hamilton does not support the proposed rezoning and Official Plan Amendment at Rymal Road and Swayze Road, as shown on the attached map marked Appendix "A", for the following reasons:
- (i) the proposal will undermine the viability of lands presently designated for Commercial as established by the City of Hamilton Official Plan;
 - (ii) the supporting background documentation on market assessment/demand has overstated future commercial demand; and
 - (iii) the proposal appears to be in conflict with Policy H.1.2 of the Glanbrook Official Plan.
- (b) That this report be forwarded to the Township of Glanbrook for consideration at the Public Meeting to be held on Monday, April 26, 1999.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Township of Glanbrook has received an application under the Planning Act for a rezoning and Official Plan Amendment. Recognizing the scope and potential impact of the proposal, the Township has circulated the application to the City of Hamilton for formal comments in anticipation of a Public Meeting to be held on April 26, 1999.

BACKGROUND:

100 Main Street East Limited has proposed to amend the Township of Glanbrook Zoning By-Law and Official Plan. The subject property is located at the southwest corner of Rymal Road and Swayze Road and consists of some 93 acres (see Appendix "A"). The purpose of the application is to permit an urban development consisting of the following:

- a shopping centre with approximately 205,000 square feet of commercial space;
- a multi-screen theatre along with approximately 50,000 square feet of additional space for retail and restaurant use;
- a private arena and recreation centre; and,
- a retirement residential community consisting of approximately 450 dwelling units.

Within the context of the Hamilton-Wentworth Official Plan, the subject lands are presently located within the "Rural Area". As such, the applicant is requesting that Urban Development Boundary within Hamilton-Wentworth be shifted and the "Rural Area" designation be changed to "Urban Area" to accommodate the proposed development.

In the Township of Glanbrook Official Plan, the subject lands are currently designated as "Agricultural". The applicant is proposing to change the "Agricultural" designation to "General Commercial" and "Residential".

In support of the application, a number of consultant studies have been prepared and circulated along with the application. These documents have been reviewed by Community Planning and Development Division staff to identify any concerns or issues that may affect the planning intentions of the City of Hamilton.

It should be noted that no market demand reports were provided for the proposed 450 unit residential retirement community. Without any supporting documentation, it is difficult for the City to provide market viability comments on this facet of the proposal other than through Official Plan policy, which is described below.

Planning Report, Kentridge Johnson Limited, December, 1998

The policy in the Glanbrook Official Plan that provides clear and unambiguous guidance in the evaluation of this proposal is Policy H.1.2, which reads as follows:

"Urban type development of a residential, commercial and institutional nature may be permitted on lands immediately adjacent to the Urban Area within appropriate land use designations through an amendment to this Plan where such lands abut the public highway which represents the boundary for the Urban Area and provided such developments:

- (a) *Is located on a property which already possess full municipal services or to which services have been committed;*
- (b) *Is located on a site with access to the public roadway which delineates the boundaries of the Urban Area as identified on Schedule "A" – Land Use Plan of this Plan;*

- (c) *Will not conflict with existing development, or with the existing agricultural activities in the area and is not located on prime agricultural or specialty crop land areas in accordance with the relevant policies of this Official Plan;*
- (d) *Is not of significant scale and represents a minor extension to the Urban Area; and*
- (e) *Is in compliance with other relevant policies of this Plan."*

Of particular concern is clause (d) noted in the above Policy. The applicant's planning consultant has noted in their report that the "proposed development is reasonable in its scale and size. Approval of the proposed uses represents the infilling of the established development pattern in the area. The extension of the Urban Area Boundary in this area essentially recognizes the development pattern which currently exists on the ground."

It is difficult to accept this argument when the facts of the proposal are taken into consideration. Commercial development of close to 300,000 square feet and a residential development of 450 dwelling units on some 93 acres of land cannot be reasonably considered as "not of significant scale" nor as "minor extension to the Urban Area". This is in fact a major commercial and residential development and PriceWaterhouseCoopers acknowledges this in the Executive Summary of their market demand report by stating "the proposed mixed-use development will serve both local residents, as well as residents living in a relatively wide area."

It is evident that this proposal appears to conflict with Policy H.1.2 of the Township of Glanbrook Official Plan, in particular clause (d).

Preliminary Market Assessment for a Mixed Use Development in the Township of Glanbrook, PriceWaterhouseCoopers (PWC), December, 1998

PWC has undertaken an assessment of the market demand for various forms of commercial space at the subject property including:

- specialty retail;
- big box retail;
- department store
- office commercial
- highway/service commercial
- private arenas/sports facilities; and
- movie theatres.

The consultant has concluded that "the proposed development will serve a portion of the unmet need for commercial space in the Study Area, and will not have a critical impact on existing or proposed commercial space, within the Study Area."

By the year 2001, the consultant has estimated there will be adequate demand at the subject property for approximately 190,000-255,000 square feet of retail space and a further 40,000-64,000 square feet of other commercial space, i.e., arena and movie theatres.

The Study Area as defined by the consultant includes the entire Township of Glanbrook, the portion of the City of Stoney Creek above the Niagara Escarpment and the portion the City of Hamilton south of the Red Hill Creek Expressway and east of Upper Sherman Avenue.

Staff have two major concerns with the methodology utilized by the consultant in determining unmet market need. The first concern is with the Study Area boundary selected by the consultant within the City of Hamilton. This boundary arbitrarily ends at Upper Sherman Avenue. This was based on a determination by the consultant that residents living east of Upper Sherman and south of the Red Hill Creek would drive to the subject property within the Township of Glanbrook for their shopping/other commercial needs. However, this assumption does not give appropriate weight to the market draw exercised by Limeridge Mall, including its various retail stores, theatres and the Sears, Eaton's and Bay department stores.

As such, this Study Area boundary would appear to be too broad or far-reaching into the City of Hamilton in terms of potential customer capture for any retail or other commercial uses proposed for the subject property in Glanbrook.

The second concern pertains to the exclusion of designated commercial sites within the City of Hamilton. In a conventional commercial space market demand analysis, a quantification of potential future commercial space on vacant, designated commercial lands is always factored into the analysis as future competition. However, in this specific analysis the consultant has noted "that we have not specifically included the sites in our numerical analysis as the majority do not have concrete proposals associated with them." This is an unorthodox practice and in effect purposely ignores the planned and legally approved commercial hierarchy within a municipality. This is not an appropriate manner in which to undertake a commercial space demand analysis.

Community Planning and Development Division staff have estimated that within the area bounded by Upper Wentworth Street on the west, Stonechurch Road East on the north and the City limits to the south and east, there is approximately 37.9 acres of lands designated as "Commercial" in the City of Hamilton Official Plan. Included within this 37.9 acre figure is the new Barn Plaza at Upper Wentworth Street and Rymal Road East (129,480 square feet GLA including Phase 2) and the new Comisso's Plaza at Upper Gage Street and Rymal Road East (55,303 square feet GLA).

These two new developments were not accounted in the numerical analysis undertaken by the consultant. Using the same 25% coverage ratio as the consultant has used, this 37.9 acres of designated commercial land translates into approximately 400,000 square feet of potential competitive retail commercial/other commercial space that can be developed. This figure was not utilized in the calculations to determine unmet market need on the subject property in Glanbrook. It is reasonable to assume that the specific commercial uses intended for the subject property in Glanbrook could conceivably locate on lands already designated for commercial purposes in the City of Hamilton.

Clearly, the commercial retail and other commercial demand figures identified by the consultant have been over-stated. It is also worth noting that if the demand for commercial space was as real at the present time as suggested by the consultant in their study, then the market absorption of commercial designated land in the City of Hamilton would be much more apparent than has been in recent years.

Accordingly, the redesignation of lands within the Township of Glanbrook for "General Commercial" would negatively affect the marketability of lands presently designated as Commercial by the Hamilton Official Plan, thus undermining the City of Hamilton's land use planning framework.

CONCLUSION:

The proposed commercial/residential development within the Township of Glanbrook at the southwest corner of Rymal Road and Swayze Road can be considered as a new major development in market scope and scale.

The City of Hamilton has two major concerns with this proposed development. Firstly, the proposed development would undermine the land use planning framework established by the City of Hamilton by negatively affecting the market viability of lands currently designated for Commercial purposes. And secondly, this proposed development appears to be in conflict with Policy H.1.2 of the Township of Glanbrook Official Plan.

Accordingly, it is appropriate to advise the Township of Glanbrook that the City of Hamilton does not support the proposed rezoning and Official Plan Amendment on the subject lands.

KE/ke

APPENDIX "A"
LAKE
ONTARIO

HAMILTON

STONEY CREEK

Subject Lands

GLANBROOK

Rymal Road East

Fruitland

Tapleystown

Tweet

Woodburn

Binbrook

Binbrook
Reservoir

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

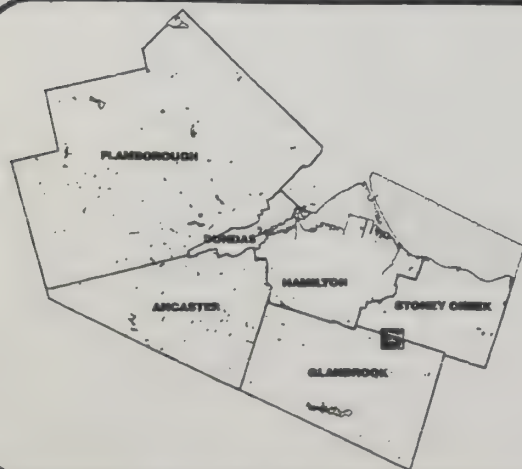
● **Subject Lands**

Reference file:

Scale
Not to Scale

Date
March, 1996

Technician:
D.L.



CITY OF HAMILTON
- RECOMMENDATION -

B(ii)

DATE: March 26, 1999
Westdale North Neighbourhood
A-98:254

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck,
General Manager
Community Planning & Development Division

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board
Hearing - No. 125 Longwood Road North

RECOMMENDATION:

That the appropriate staff (e.g. Legal Services and Corporate Counsel, Planning and Development Department) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-98:254, respecting the property located at No. 125 Longwood Road North, as shown on attached map marked as APPENDIX "A".

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

BACKGROUND:

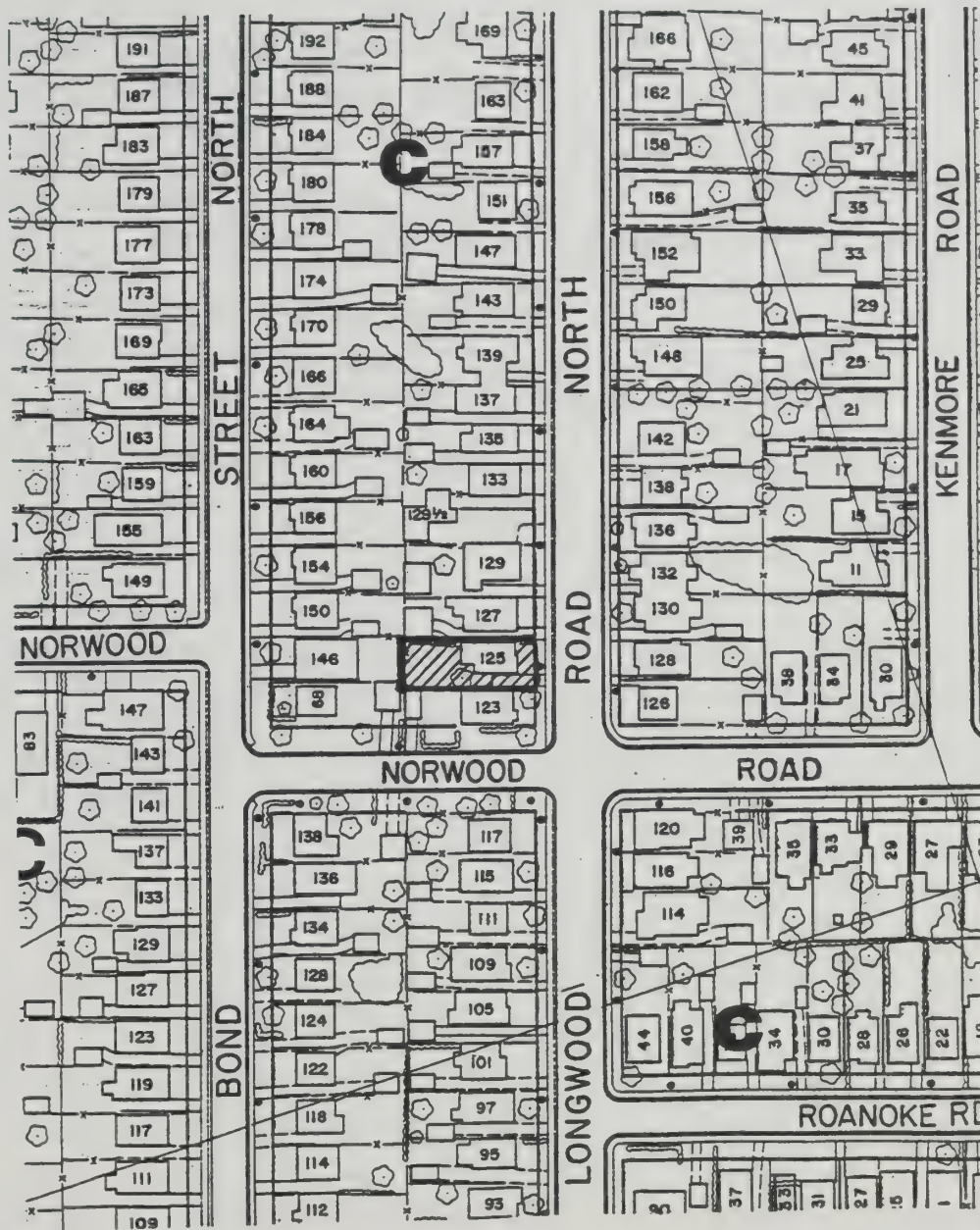
Committee of Adjustment application A-98:254 has recently been appealed to the Ontario Municipal Board (hearing date yet to be set). At their meeting of December 16, 1998, the Committee accepted Planning and Development staff's recommendation to

approve a variance to allow an existing rear addition (built in 1956) to maintain a northerly side yard of 0.62 m (2.04') instead of 1.02m (3.40'), and to deny a variance to permit an existing carport to maintain a southerly side yard set back of 0.12m (0.40') instead of the minimum required 0.60 m (2.0 ft.).

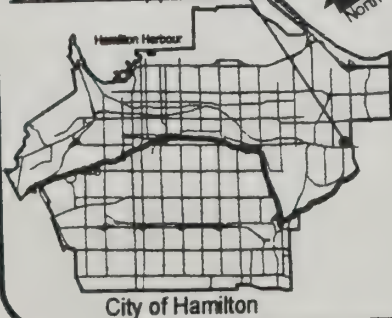
CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above noted hearing.

JG



Site of the Application



City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of the Application

Reference file:

A-98:254

Scale

Not to Scale

Date

March, 1999

Technician:

B. B.

APPENDIX 'A'

CITY OF HAMILTON
- RECOMMENDATION -

B(iii)

DATE: March 26, 1999
Greenford Neighbourhood
A-98:237

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board
Hearing - No. 2803 King Street East

RECOMMENDATION:

That the appropriate staff (e.g. Legal Services and Corporate Counsel, Planning and Development Department) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-98:237, respecting the property located at No. 2803 King Street East, as shown on attached map marked as APPENDIX "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

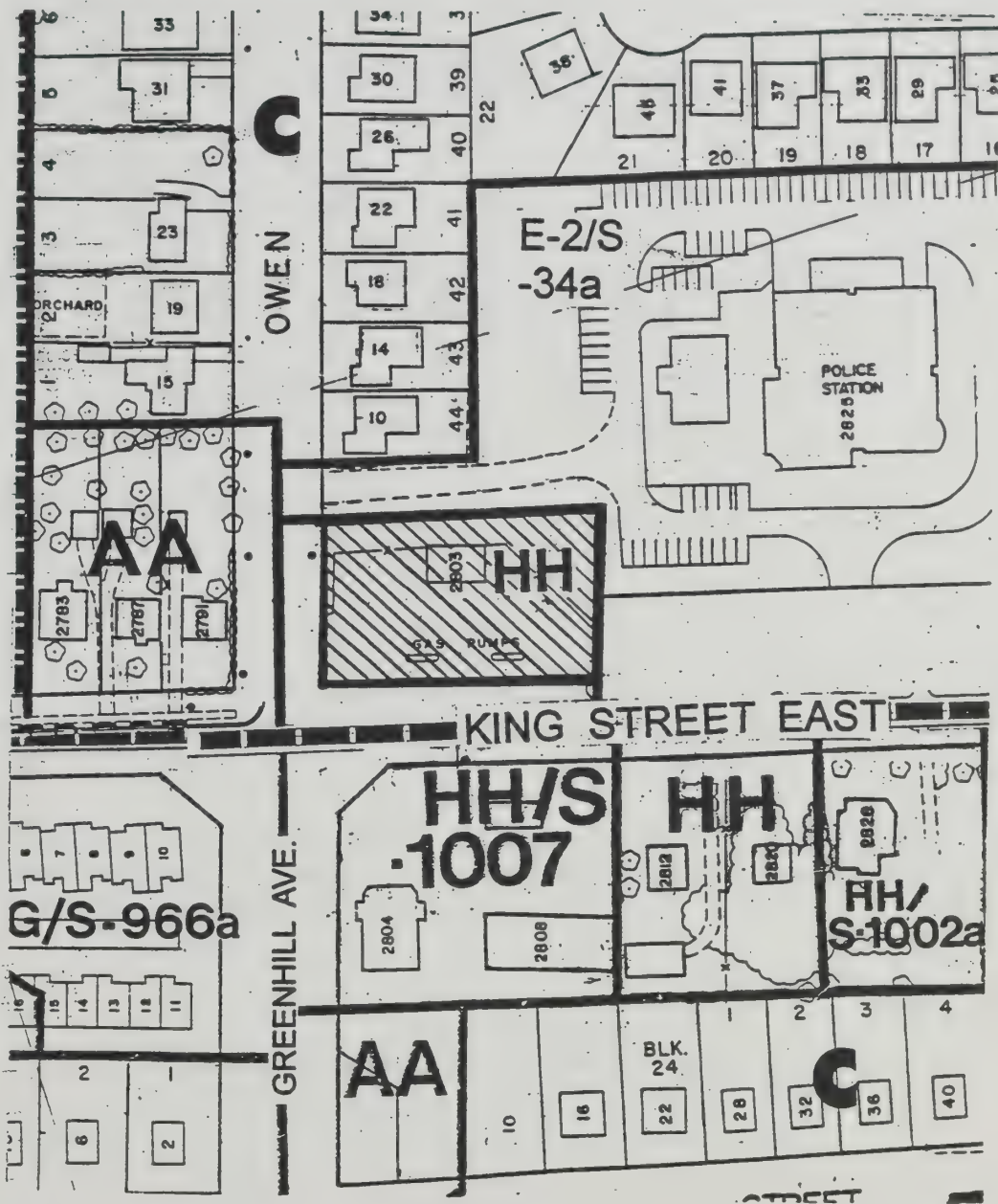
BACKGROUND:

Committee of Adjustment application A-98:237 has recently been appealed to the Ontario Municipal Board and a hearing date has been set for May 4, 1999. At their meeting of November 25, 1998, the Committee accepted Planning and Development staff's recommendation and denied the application. The proposal is to permit the use of the lands for a used car sales business, notwithstanding a visual barrier will not be provided and maintained along the northerly and easterly lot lines instead of the required 1.2m to 2.0m high visual barrier. In addition, the area to be used for parking of vehicles will be graveled instead of paved with asphalt or concrete.

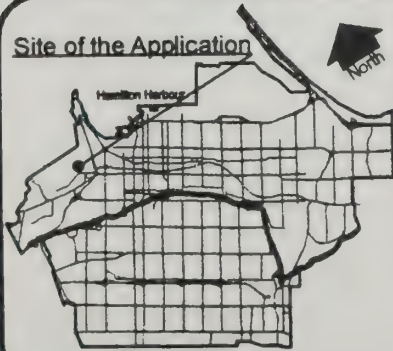
CONCLUSION:

Consistent with current practice in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above noted hearing.

JG/



Site of the Application



City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend



Site of the Application

Reference file:

A-98:237

Scale

Not to Scale

Date

March, 1999

Technician:

B. B.

APPENDIX 'A'

C

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 30, 1999

REPORT TO: Chairperson and Members
Planning and Development Committee

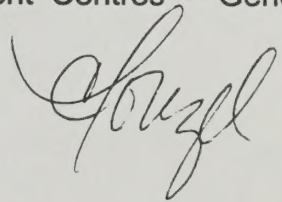
FROM: Charlene Touzel, Acting Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Item, which has been previously distributed to Members of the Planning and Development Committee under separate cover, be received for information purposes:

- (a) Information Report dated March 22, 1999, from the General Manager, Community Planning and Development Division entitled "Entertainment Centres – General Information" (distributed on March 30, 1999)



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The above-noted document has been sent to Members of the Planning and Development Committee and applicable Staff for information purposes and is being presented to the Committee in this manner, in order that it may be officially received and recorded.

C

CITY OF WASHINGTON

RECOMMENDATION

DATE: 10/15/1978

TO:

FROM: Planning and Research Committee

SUBJECT:

RECOMMENDATION

TO:

DATE: 10/15/1978

TO:

RECOMMENDATION

The following information was received from the Planning and Research Committee on October 15, 1978. The Planning and Research Committee has recommended that the City of Washington should be advised of the following information.

The Planning and Research Committee has recommended that the City of Washington should be advised of the following information.

[Handwritten signature]

RECOMMENDATION

DATE: 10/15/1978

The following information was received from the Planning and Research Committee on October 15, 1978. The Planning and Research Committee has recommended that the City of Washington should be advised of the following information.



 **ACCO USA**
WHEELING, ILLINOIS 60090
25971

MADE IN USA

(1) 50505 25971
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